



CITY OF HAVERHILL CITY COUNCIL AGENDA

Tuesday, May 24, 2016 at 7:00 PM
City Council Chambers, Room 202

1. APPROVAL OF RECORDS OF THE PREVIOUS MEETING

2. ASSIGNMENT OF THE MINUTES REVIEW FOR THE NEXT MEETING

3. COMMUNICATIONS FROM THE MAYOR:

3.1 Communication from Mayor Fiorentini announcing that Todd Gilbert of LAZ parking will be in attendance at the City Council meeting to discuss the new Passport Mobile Parking App that was implemented this past month Attachment

4. COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES

5. UTILITY HEARING(S) AND RELATED ORDER(S)

6. APPOINTMENTS

Confirming Appointments

Non-confirming Appointments

Auxiliary Police

Resignations

7. PETITIONS

8. APPLICATIONS/HANDICAP PARKING SIGNS

9. ONE DAY LIQUOR LICENSES

10. APPLICATIONS FOR PERMIT

11. TAG DAYS

12. ANNUAL LICENSE RENEWALS:

Roller Skating Rink

Pool Tables

Smith's Tavern

1 Pool Table

124 Essex st

Attachment

Bowling

Sunday Bowling

Buy & Sell Second Hand Clothing

Buy & Sell Second Hand Articles

Junk Dealer

Buy & Sell Old Gold

Pawnbroker

Limousines

Auctioneer

Theater

Exterior Vending Machine

Coin-Ops (Renewals)

Sunday License

Fortune Teller

Priscilla Miller

21 Washington st

Attachment

13. HAWKER/PEDDLER

14. DRAINLAYER 2016 LICENSE



CITY OF HAVERHILL CITY COUNCIL AGENDA

Tuesday, May 24, 2016 at 7:00 PM
City Council Chambers, Room 202

15. HEARINGS & RELATED ORDERS

- 15.1. Document 33, Petition from Attorney Michael Migliori for Winterville Realty Trust and Birches Development LLC, Owner/Applicant regarding the property on Sterling Lane; for Special Permit to construct 120 residential units in 4 buildings; Assessors Map 770, Block 779, Lot 74; located in the RH Zoning District (May 3rd Applicant requests to continue Hearing to May 24th)
Conditional favorable recommendation from Planning Board & Planning Director

- 15.2 Document 46, Petition from Matt Assia, Chinburg Properties on behalf of 16 Wingate st, LLC submitting Special Permit Application for multifamily/mixed use; for Factory Building Renovation & Conversion; to construct 56 apartment units and 6,000 square feet of 1st floor commercial space within the existing building at 24 Essex st; Assessors Map 301, Block 53, Lot 17
Conditional favorable recommendation from Planning Board & Planning Director

Attachments

16. NEW BUSINESS/ORDERS

- 16.1 Order – Real property on Merrimack st, known as the *Riverfront Promenade Parking Lot* and as shown on Assessors Map 102, Block 7, Lots 11, 16, 17 & 20, containing approximately 0.932 acres, is hereby declared surplus and Mayor is authorized to secure a real estate appraisal of the Lots and to issue a request for proposals for the sale & development of said real property
Related communication from Mayor Fiorentini

Attachment

17. ORDINANCES (FILE 10 DAYS)

- 17.1 Ordinance re: Vehicles and Traffic – *Lawrence rd*, Heavy Truck Exclusion
Related communication from City Engineer John Pettis and Mass DOT

File 10 days

- 17.2 Ordinance re: Parking, *52 High st*, Rear of the house – Handicap Parking

File 10 days

- 17.3 Loan Order – Appropriate \$37,484,000.00 to finance the engineering and construction of improvements to the Water Treatment Plant and **Resolution** Authorizing Officer to file Application with Mass Dept of Environmental Protection for State Financial Assistance for Water Pollution Abatement Projects

File 10 days
Attachments

18. UNFINISHED BUSINESS OF PRECEDING MEETINGS

19. MONTHLY REPORTS

20. COMMUNICATIONS FROM COUNCILLORS

- 20.1. Communication from President Michitson requesting to address agreement between Greater Haverhill Foundation, Massachusetts Technology Collaborative and City of Haverhill for providing additional economic development consultants for the City of Haverhill
- 20.2. Communication from Councillor Bevilacqua requesting to introduce Joseph D'Amore of Common Ground Café ministry to speak about security measures at GAR Park
- 20.3. Communication from Councillor Bevilacqua requesting to discuss the Bradford water park pond adjacent to Ferry rd

Attachments



CITY OF HAVERHILL CITY COUNCIL AGENDA

**Tuesday, May 24, 2016 at 7:00 PM
City Council Chambers, Room 202**

21. RESOLUTIONS AND PROCLAMATIONS

22. COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS

22.1 Councillor LePage submits Minutes of the Administration & Finance Committee Meeting held
May 12 2016 Attachment

23. DOCUMENTS REFERRED TO COMMITTEE STUDY

24. ADJOURN



JAMES J. FIORENTINI
MAYOR

CITY OF HAVERHILL
MASSACHUSETTS

3.1
CITY HALL, ROOM 100
FOUR SUMMER STREET
HAVERHILL, MA 01830
PHONE 978-374-2300
FAX 978-373-7544
MAYOR@CITYOFHAVERHILL.COM
WWW.CI.HAVERHILL.MA.US

May 19, 2016

City Council President John A. Michitson and
Members of the Haverhill City Council

RE: Passport

Dear Mr. President and Members of the Haverhill City Council:

Todd Gilbert of LAZ parking will be attendance at the city council meeting to discuss the new
Passport Mobile Parking App that was implemented this past month.

Very truly yours,

 (dwd)
James J. Fiorentini, Mayor

JJF/ah

CITY OF HAVERHILL

Honorable President and Members of the Municipal Council:

12

The undersigned respectfully asks that they may receive a License:

Type of license Pool Tables - 1 Table

Name of business "Smith's Tavern"

Type of business Retail Sale of Alcohol

Address of business 124 Essex St.

DAVID E LANGLOIS

David E Langlois

PRINT APPLICANT NAME

APPLICANT'S SIGNATURE

HAVERHILL, May 12, 2016

OFFICE USE ONLY

RENEW

No. _____

FEE 160⁰⁰ Rd

IN MUNICIPAL COUNCIL, _____, 2016

ATTEST:

APPROVED ✓

DENIED _____

_____, CITY CLERK

ARR
POLICE CHIEF

(IF NEEDED, OTHER DEPARTMENT SIGN-OFF)

MORE INFO ON BACK

CITY OF HAVERHILL

\$50 pa

5/12

12

Honorable President and Members of the Municipal Council:

The undersigned respectfully asks that they may receive a License:

Type of license Fortune Teller

Name of business Psyche world

Type of business Holistic

Address of business 21 Washington Street

Priscilla Miller

Priscilla Miller

PRINT APPLICANT NAME

APPLICANT'S SIGNATURE

HAVERHILL, May 12, 2015

OFFICE USE ONLY

RENEW

No. _____

FEE 50

IN MUNICIPAL COUNCIL, _____, 2015

ATTEST:

_____, CITY CLERK

APPROVED ✓

DENIED _____

[Signature]
POLICE CHIEF

(IF NEEDED, OTHER DEPARTMENT SIGN-OFF)

MORE INFO ON BACK

33 FIORIELLO & MIGLIORI ATTORNEYS AT LAW

KAREN L. FIORELLO
kfiorello@fimilaw.com

FIREHOUSE CONDOMINIUMS
18 ESSEX STREET
HAVERHILL, MASSACHUSETTS 01832
TEL 978/373-3003 FAX 978/373-3066
February 23, 2016

MAY 17 2016
MICHAEL J. MIGLIORI
mmigliori@fimilaw.com

15.11

John Michitson, President
Haverhill City Council
City Hall, 4 Summer Street
Haverhill, MA 01830

Re: The Birches at Farrwood Green
Owner: Winterville Realty Trust
9 Travers Street, Haverhill, MA 01830

Applicant: Birches Development LLC
198 Saco Avenue, Old Orchard Beach, ME 04064

Land on Sterling Lane
Special Permit

Dear Mr. Michitson:

Please be advised this office represents Winterville Realty Trust and Birches Development LLC, Owner/ Applicant regarding the property located on Sterling Lane and being shown as Haverhill Assessor's Map 770 Block 779 Lot 74.

Birches Development LLC is requesting a Special Permit from the City of Haverhill to construct one hundred twenty (120) residential units in four (4) buildings as set forth in the Haverhill Zoning Ordinance Chapter 255 Section 96.

The property is shown in Haverhill Assessor's Map 770 Block 779 Lot 74 and is located in RH Zoning District.

Kindly refer this matter to the Planning Board for its review. I have enclosed the appropriate plans and fees in connection with the requested Special Permit.

Should you have any questions, or need any additional information, please don't hesitate to contact me.

Sincerely yours,

Michael J. Migliori

MJM/dma
Enc.

c.c.: Stanley Weinstein
Stephen Stapinski

IN CITY COUNCIL: March 8 2016 Refer to Planning Board and
VOTED: that COUNCIL HEARING BE HELD MAY 17 2016

Attest:

City Clerk

FIORELLO & MIGLIORI
ATTORNEYS AT LAW

KAREN L. FIORELLO
kfiorello@fimilaw.com

FIREHOUSE CONDOMINIUMS
18 ESSEX STREET
HAVERHILL, MASSACHUSETTS 01832
TEL 978/373-3003 FAX 978/373-3088

MICHAEL J. MIGLIORI
mmigliori@fimilaw.com

March 1, 2016

John Michitson, President
Haverhill City Council
City Hall, 4 Summer Street
Haverhill, MA 01830

Re: The Birches at Farrwood Green
Owner: Winterville Realty Trust
9 Travers Street, Haverhill, MA 01830

Applicant: Birches Development LLC
198 Saco Avenue, Old Orchard Beach, ME 04064

Land on Sterling Lane
Special Permit

Dear Mr. Michitson:

Please be advised that the Applicant agrees to waive the statutory requirement for the Haverhill City Council to hold a hearing on the matter within sixty-five (65) days.

Should you have any questions, or need any additional information, please don't hesitate to contact me.

Sincerely yours,

Michael J. Migliori

MJM/dma

Enc.

c.c.: Stanley Weinstein
Stephen Stapinski



Haverhill

City Clerk's Office, Room 118
Phone: 978-374-2312 Fax: 978-373-8490
cityclerk@cityofhaverhill.com

April 29 2016

Notice is hereby given that a hearing will be held for all parties interested, in the Council Chambers, City Hall Building, on Tuesday, May 17 2016 at 7:00 o'clock P.M. on Doc 33; petition from Attorney Michael Migliori for Winterville Realty Trust and Birches Development LLC; Owner/Applicant requesting a Special Permit to develop property on Sterling Lane; to construct 120 residential units in 4 buildings; Assessors Map 770, Block 779, Lot 74; located in the RH Zoning District

Description of area, maps and plans are on file in the City Clerk's Office.

Linda L Koutoulas,
City Clerk

Advertise: April 29 & May 6 2016

4 Summer Street
Haverhill, MA 01830
Phone: (978) 374-2312
Fax: (978) 373-8490

Fax

To:

Katie

From: City Clerk's Office

Fax:

Heavenly

Date:

3-14-16

Phone:

The Birches (Doc 33)

Pages:

2

re:

Legal AD-Special Permit

CC:

☐ Urgent

☒ For Review

☐ Please Comment

☐ Please Reply

☐ Please Recycle

Hi Kate -

please run

4/29 and 5/6

Thanks!

mana

978-420-3624

33-B KAREN L. FIORELLO kfiorello@fimilaw.com FIORELLO & MIGLIORI ATTORNEYS AT LAW FIREHOUSE CONDOMINIUMS 18 ESSEX STREET HAVERHILL, MASSACHUSETTS 01832 TEL 978/373-3003 FAX 978/373-3066 MICHAEL J. MIGLIORI mmigliori@fimilaw.com

2016 APR 26 PM 12:30
April 26, 2016

John Michitson, President
Haverhill City Council
City Hall, 4 Summer Street
Haverhill, MA 01830

Re: The Birches at Farrwood Green
Owner: Wintervale Realty Trust
9 Travers Street, Haverhill, MA 01830

Applicant: Birches Development LLC
198 Saco Avenue, Old Orchard Beach, ME 04064

Land on Sterling Lane
Special Permit

Request for Hearing Date Continuance

Dear Mr. Michitson:

I was recently made aware of the fact that the Haverhill City Council will not have a full compliment on May 17, 2016 in connection with the hearing on the above-referenced matter.

Therefore, I am kindly requesting a continuance of one (1) week until May 24, 2016 for the hearing on the Special Permit as submitted by The Birches at Farrwood Green.

Should you have any questions, or need any additional information, please don't hesitate to contact me.

Sincerely yours,

Michael J. Migliori

MJM/dma
c.c.: Stanley Weinstein
Stephen Stapinski

IN CITY COUNCIL: May 3 2016

VOTED: to CONTINUE HEARING TO MAY 24 2016

Attest:

City Clerk

MS. FIORELLO IS ALSO ADMITTED IN FLORIDA.



Haverhill

Economic Development & Planning
Phone: 978-374-2330 Fax: 978-374-2315
wpillsbury@cityofhaverhill.com

Bill Pillsbury

May 20, 2016

TO: City Council President John J. Michitson and members of the Haverhill City Council

FROM: William Pillsbury, Jr. Economic Development and Planning Director

SUBJECT: The Birches- Special permit- 120 units

On April 13, 2016 the Planning board held a public hearing on the proposed special permit for the Birches off Sterling lane in the Farrwood Green neighborhood. At the conclusion of the hearing the board made a conditional favorable recommendation to the city council on the proposed project. The project proposes 120 units in 4 buildings. Zoning relief has been granted by the Board of Appeals and no appeal has been taken. As part of that approval the applicant made several major commitments to improvements to roadways with in the neighborhood and will be required to make those improvements as part of the project approval.

It is important to note that the roadways, utilities and other improvements will remain as private ways and will not be accepted by the city.

The role of the City Council as special permit granting authority under the zoning ordinance is to conduct a public hearing relative to the proposed special permit.

If the special permit is granted the applicant will then be required to file a definitive plan with the Planning board at which time all final engineering will be filed and reviewed.

The city departments have reviewed the project and their reports are contained in your packages. Specifically there was discussion regarding the configuration of the access road and sidewalks into the project. The proposed access road should comply with the standards contained in the letter from the city engineer, and must be acceptable to the fire department. This compliance should be made a condition of the special permit. Additionally all of the comments of the city departments should be made conditions of the special permit, and be reflected in the final definitive plans to be filed with the planning board.

As Planning Director, I concur with the recommendation of the Planning Board, I recommend that the Council as part of its approval of a special permit include as conditions the comments from the letters of the City departments; any additional comments/ conditions deemed necessary by the city council; and an umbrella condition that the project comply with all the requirements of zoning code.

Each of the specific items contained in the city department letters, should be adopted as conditions and will be required to be incorporated into and complied with in the definitive plan filing.

Specifically, pursuant to zoning ordinance Ch. 255-80 (as applicable) the following findings must be made by the City Council relative to the project:

- the request meets all pertinent conditions listed in article XI of the ordinance;
- the request is desirable to the public convenience or welfare;

- the request will not impair the integrity or character of the district or adjoining zones nor be detrimental to the health, morals or welfare and will be in conformity with the goals and policies of the master plan;

- The requested use provides for the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets;

- The requested use provides for adequate methods of disposal for sewage refuse and other wastes and adequate methods for storm water and drainage;

- The requested use provides for adequate off street loading and unloading of service vehicles;

- The requested use preserves historical buildings and uses.

Proposed conditions and stipulations:

I offer the following recommended conditions be made part of the special permit approval:

- Require that the developer to file a definitive plan with the Planning Board which complies with all of the requirements of the City's subdivision regulations for roadways, and water and sewer and drainage improvements as contained within those regulations and further detailed in the above listed and attached letters from the departments. These items shall be reflected in the definitive plan to be filed with the Planning board.

Recommendation

As Planning Director, I make this conditional favorable recommendation based on an assumption that all items in the letters from the City Departments along with all

requirements for special permits would be made part of the special permit for the project.

This project with the incorporation of the recommended conditions is generally in conformity with the City's master plan as well as providing sufficiently for traffic, public safety and other utility considerations. The project as proposed appears to conform to all other special permit requirements. On the basis of adopting the proposed conditions/stipulations, I recommend that the council act favorably on this project.



CITY OF HAVERHILL
MASSACHUSETTS 01830

PLANNING BOARD

CITY HALL, ROOM 201
FOUR SUMMER STREET
HAVERHILL, MASSACHUSETTS 01830
TELEPHONE 374-2330
FAX 374-2315

May 11, 2016

John A. Michitson Council President
& City Councilors
City Hall, Room 204

RE: Special Permit for the Birches Development @ Farrwood Drive
Applicant, North Ave Realty Trust, Map 770, Block 779, Lot 74F

Members Present: Karen Peugh, Bill Evans, Kenneth Cram, Jack Everette, Bob Driscoll,
and Paul B. Howard and Alison Colby Campbell
Members Absent: Karen Buckley and April DerBoghosian
Also Present: William Pillsbury, Director of Economic Dvlpmnt & Planning
Lori A. Woodsum, Officer Manager/Planning Department

City Council President and City Councilors:

The Haverhill Planning Board at its meeting held on 4-13-16, Wednesday Evening, at 7:00 p.m. in the City Council Chambers voted to send a favorable conditional recommendation to the city council for the above-cited special permit.

Member Jack Everette read the rules for a public hearing. The audience was made aware that they could leave their name and address with the clerk in case of an appeal at the end of the hearing, and if an appeal was taken then the department would notify them. Paul B. Howard chaired the meeting. It was noted to the people in the audience that the board did not deny or approve special permits but forwarded a recommendation to the city council since it had the ultimate authority. Attorney Michael Migliori represented the owner/applicant. The chairman asked the petitioner to come forward.

Attorney Migliori came forward to represent the owner/applicant. It was noted that they would pave the remaining area at Farrwood except for Arrow Way which the gas company took care of. The completion date for finish pavement will be 2018 and will provide finish paving on Sterling Lane as well. It was noted that the Birches will supply money for

**Special Permit for The Birches @ Farrwood Green
4-13-16 Planning Board Meeting**

plowing and will share expenses which there will be language to that effect in the master deed regarding plowing, landscaping on Farrwood Drive, and a recreational park for people and there would be an area for dogs which is still in the works. There would be maintenance with the Birches, Farrwood and the Weinstein property. They would be putting up money for the traffic light that was included within the Board of Appeals decision. There has been a lot of work completed there already by Mr. Weinstein regarding a sewer pump station two thirds of a mile down Cross Road/Rt. 125 to Farrwood Drive to improve water pressure.

City Department reports were received and there were almost no issues. Building/health will address conservation. Fire no issues and will incorporate comments into plan relocate parking and residential sprinklers along with all the comments from the Fire Department.

Water/Waste Water from Mr. Jessel noted 450' sewer pipe needed addressing due to Farrwood Association but at the same time will continue to work with association. It was noted that letter was received kind of late but agreed to work with everyone to do repairs regarding water/wastewater dept.

Water Department comments there was no problem with Mr. Smith's comments but wants to discuss new water analysis, just the study not the booster pump station.

Director William Pillsbury noted that there were a number of comments but the only concern was the study.

Attorney Migliori wanted time to address those concerns. The engineer, Mr. Pettis' comments were received late and wanted time to go back to Mr. Pettis and discuss his report that was received yesterday. He wanted an opportunity to speak with Mr. Pettis and clarify issues and 120 units. He thought that 320 more would trigger that. Attorney Migliori thought it was a misinterpretation.

Chairman Howard noted... written even if doesn't go forward still meets the warrant one.

Director Pillsbury noted that it was a very major issue and spoke with Mr. Weinstein before and says it's required.

Attorney Migliori noted he went back to comp. permit and wanted to get it right.

Director Pillsbury noted there were still a few other things that need addressing.

Attorney Migliori answered yes on those and would work on that.

Member Karen Peugh asked about adequate off street loading.

Attorney Migliori answered yes... It was designed for a project like this for adequate off street loading. They worked hard with Farrwood people and many associations and most are in favor of all the improvements and have indicated their support for this.

Chairman Howard asked if there was anyone in the audience that wanted to speak.

**Special Permit for The Birches @ Farrwood Green
4-13-16 Planning Board Meeting**

Sandra Monroe, 369 Farrwood Drive noted she was a real estate person and asked about Islington Crossing and how many were sold as opposed to renting and noted 3 canceled units.

Chairman Howard noted that was out of the purview of this board.

Director Pillsbury noted that City of Haverhill approval of units form of ownership no condo conversion, no rent control do not regulate former ownership.

Sandra Monroe wanted to know if everything was rental.

Member Howard noted that the association was still responsible to get that.

Someone from the audience asked if it was up to them.

Chairman Howard answered yes

Attorney Migliori gave an explanation to the abutter. And she was okay with that. The attorney noted that the building would not be seen and by reducing 19' would not see it at all.

No one else came forward to speak. The chairman closed the public portion of the hearing and turned the hearing over to the planning director for his comments.

Director William Pillsbury, Jr., recommended to city council 120 units requested and this was reviewed by the city departments and received comments. Several items were raised and addressed and needed to resolve water and sewer. This matter could not be tabled since it was going before the city council but this would be back before the planning board once they file the definitive plan. He recommended a conditional favorable recommendation to the city council. It was noted that hearing conditions and issues raised be incorporated into the final plans as plan notes or as conditions. It was recommended that the next step would be to meet with the city departments to get their notes... Director William Pillsbury Jr. recommended a conditional, favorable recommendation to the city council.

Member Kenneth Cram noted that 120 condo units are different than condos.

Attorney Migliori noted that it was a more conservative approach to show and if condos were a little less... they went with Conservation approval.

Member Kenneth Cram asked about the signal analysis and see where line is crossed to trigger the signal.

Chairman Howard noted 20/21 not now still building yours and still will not be... Need clarification...

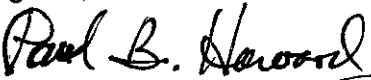

**Special Permit for The Birches @ Farrwood Green
4-13-16 Planning Board Meeting**

Motion:

Member Karen Peugh motioned for a conditional, favorable recommendation to the city council. Member Kenneth Cram seconded the motion. Members that voted in favor were Karen J. Peugh, Bill Evans, Kenneth ram, Jack Everette, Bob Driscoll and Paul B. Howard. Member Alison Colby Campbell Abstained. Members Karen Buckley and April DerBoghossian were absent. Motion passed.

City Department reports received are attached for your review and are considered part of this board's decision and minutes.

Signed,


Paul B. Howard
Chairman 

CC: City Departments
File Copy



Haverhill

Paul J. Jessel, Collection System Supervisor
Water/Wastewater Division
Phone: 978-374-2382 Fax: 978-521-4083
pjessel@haverhillwater.com

April 8, 2016

To: William Pillsbury
Planning Director/ Grants Coordinator

Subject: Special Permit The Birches Development @ Farrwood Green
Map 770, Block 779, Lot 74

The Water and Wastewater Divisions have reviewed the subject application and have the following comments:

Wastewater Division

1. A letter was sent via email to the property owner, documenting approximately 450-feet of 12-inch sewer main that needs to be replaced along Farrwood Place, which is the same owner for this development. This sewer main replacement shall be done before any foundation permits are issued.
2. The proposed sewer main extension shall be 8-inch PVC and meet current engineering standards at the time of construction.
3. Provide sewer profile

Water Division

1. The results of a 2005 CDM water system analysis for this proposed project indicated that a water booster station is required to adequately supply water at sufficient pressure and volume. This water booster station shall be designed according to current Haverhill Water Department standards and MassDEP guidelines at the time of filing of MassDEP BRP-WS-32 permit application. This water booster station and any related easements shall be constructed, inspected, and accepted by the Haverhill Water Department, City Council, and MassDEP prior to the issuance of foundation permits.

Enclosed is a Letter from Glenn Smith Water Maintenance Supervisor detailing additional requirements.

Water and Wastewater Departments reserve the right to provide additional comments once a site plan is submitted.



Haverhill

Paul J. Jessel, Collection System Supervisor
Water/Wastewater Division
Phone: 978-374-2382 Fax: 978-521-4083
pjessel@haverhillwater.com

If you have any questions please do not hesitate to call me at (978) 374-2382.

Sincerely,

Paul J. Jessel
Collection System Supervisor

Enclosures

File#: 160068-B

cc: Bob Ward, Deputy DPW Director
John Pettis, III City Engineer
Glen Smith, Water Maintenance Supervisor
John D'Aoust, Water Treatment Manager



Haverhill

Glenn F. Smith, Water Maintenance Supervisor
Water/Wastewater Division
Phone: 978-374-2368 Fax: 978-374-2441
gsmith@haverhillwater.com

April 11, 2016

To: William Pillsbury, Planning Director
City Hall, Room 201
4 Summer Street
Haverhill MA 01830

Phone: (978) 374-2330
Fax : (978) 374-2315

Re: The Birches @ Farwood Green

FILE # : 160068-B

Dear Mr. Pillsbury;

The Water Maintenance Department has the following comments:


- 1) The high elevation of this development will require a WATER BOOSTER STATION constructed to the specifications of the Haverhill Water Department.
- 2) There have been significant changes within the Water Distribution system since the 2005 Water and Sewer System Evaluation. New flow testing and a new Water System Analysis will need to be performed by the City's consultant at the developer's expense.
- 3) What type of ownership is proposed for these units?
- 4) What type of Water & Sewer Billing is proposed for these units
- 5) Water Service Applications for Each of the water services must be submitted with all applicable fees paid.
- 6) A Water Main Extension Application must be submitted with all applicable fees paid.
- 7) The Water Mains and the appurtenances within this project shall remain under private ownership with the cost of repairs performed by the City or Private Contractor, being born solely by the property owner(s)
- 8) The New valve at the connection Point shall be an inline gate attached to the Existing 8" Water Main with restraint style Retaining Gland
- 9) There shall be a fire hydrant assembly within one length of pipe from this Interconnecting Line Gate
- 10) Here shall be a temporary Chlorination/Pressure Test connection within 10ft of the interconnecting valve.
- 11) An additional fire hydrant assembly shall be installed 500 to 600 feet up hill from the inter connection.

125 Amesbury Road, Haverhill, MA 01830-2873 www.ci.haverhill.ma.us

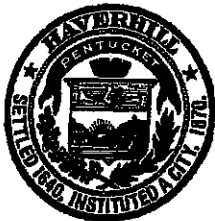
- 12) There shall be a hydrant assembly installed near the dead end of the water main at southern side of Building 1 and a temporary chlorine sample connection
- 13) The water main shall be extended beyond the northern end of the parking lot at buildings 3 & 4 terminating with a fire hydrant assembly and a temporary chlorine sample connection.
- 14) An additional 8" line gate valve assembly and Chlorine Sample/Pressure tap should be installed before the 8" Tee and Double Gate Valves
- 15) A detailed plan of the water services entering each building must be provided.
Separate domestic and fire protection services shall be provided for each building.
- 16) A complete plumbing plan must be provided for determination of backflow device type and locations.

If there are any questions please call the Water Maintenance Office.

Sincerely



Glenn F. Smith
Water Maintenance Supervisor



Haverhill

Engineering Department, Room 300
Tel: 978-374-2335 Fax: 978-373-8475
John H. Pettis III, P.E. - City Engineer
JPettis@CityOfHaverhill.com

April 12, 2016

#2

MEMO TO: HAVERHILL PLANNING BOARD

Subject: *Sterling Lane (The Birches) – Special Permit*

The following are my comments regarding the subject plan, understanding that more detailed plans would be submitted at Definitive Plan and Site Plan stages.

1. The proposed roadway should extend a proper distance onto the lot so that the frontage is not considered illusory, and it has not been proven to the City, specifically the Building Inspector (the City's Zoning Official), that the frontage complies with the lot frontage definition. Frontage shall provide access which is actual (non-illusory) access to the building location on the lot. The access shall be provided by (from) the frontage so that it is not illusory in nature, and the access shall facilitate safe ingress and egress to building location within the lot for public safety vehicles in the event of emergency. Length, width, grades, topography and adequacy of construction are all components of demonstrating adequate actual access to the building site on the lot.
2. The area that meets the buildable lot definition (contiguous area 15% slopes or flatter, not wetland, not easement) should be shown graphically.
3. The updated Traffic Impact and Access Study should be revised to include a recommendations section. The 2005 study contained traffic and safety recommendations/consideration of stop signage on Sterling Lane, painted crosswalks, street lighting and painted roadway centerline.
4. As Warrant 1 is met for signalization of Route 125 at Farwood Drive (northerly entrance) I would expect commitment by the Developer to pay for such signalization be a condition of the Special Permit.
5. As the project is to include disturbing a significant area of a site with steep slopes, I recommend a commitment of the Developer to pay for a peer review of the hydro study, once submitted.

Please contact me if you have any questions.

Sincerely,

John H. Pettis III, P.E.
City Engineer

C: Stankovich, Ward, Osborne, Moore, Jessel
Merrimack Engineering, Ames Engineering

May 10, 2016

Judith Murphy
417 Farrwood Drive
Bradford MA 01835

City of Haverhill Planning Board
4 Summer Street, Room 201
Haverhill MA 01830

RECEIVED
MAY 13 2016

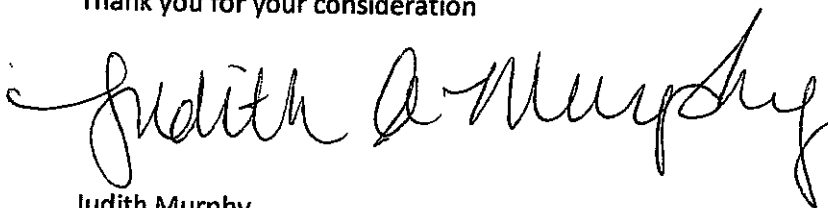
Econ Devlp & Planning
& B.O.A.

Good Day -

Please do not allow the construction of The Birches at Farrwood Green.

- We have enough traffic, we do not need an additional 120+ cars exiting and entering this road.
 - The road is already in need of repair.
 - The entrance to 125 is very dangerous now.
 - This increase in traffic will affect the safety of the children in the area.

Thank you for your consideration



Judith Murphy



RECEIVED
APR 06 2016

Haverhill

Econ Devlp & Planning
& B.O.A.

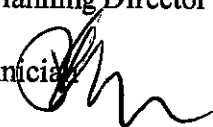
Economic Development and Planning
Conservation Department

Phone: 978-374-2334 Fax: 978-374-2366

rmoores@cityofhaverhill.com

conservation@cityofhaverhill.com

MEMO TO: William Pillsbury, Economic Development and Planning Director

FROM: Robert E. Moore, Jr., Environmental Health Technician 

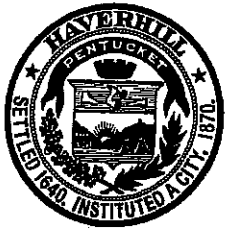
DATE: April 5, 2016

RE: Multi-Family Special Permit
Birches Development, LLC for Sterling Lane – The Birches at Farrwood Green
Map 770, Block 779, Lot 74

The Commission reviewed this project at its March 10th meeting and offered the following comments:

1. The Special Permit should condition: All stormwater management systems associated with this project shall be designed, constructed, and maintained in full compliance with the Massachusetts Stormwater Management Regulations found in the Wetlands Protection Act.
2. The Special Permit should condition: The Planning Board and/or Conservation Commission shall require a peer review, under M.G.L. Ch. 44 §53G, of the stormwater management design for compliance with local stormwater regulations and the aforementioned stormwater condition.
3. Based on the current, preliminary design a Notice of Intent filing with the Commission will be necessary for this project. Should that continue to be the case, as the design continues to develop, the Commission may be in a position to manage the stormwater peer review.
4. While only a preliminary design, the Commission noted concern for the slopes of the drainage swales and the potential for erosion.

C (email): Pettis; Stapinski; Migliori



Haverhill

Board of Health
Inspection Services
Building/Zoning

Phone: 978-374-2325

978-374-2341

978-374-2338

978-374-2430

Fax: 978-374-2337

bdufresne@cityofhaverhill.com

April 4, 2016

MEMORANDUM

RECEIVED
APR 06 2016
Econ Devlp & Planning
& B.O.A.

TO: William Pillsbury
Planning Director

FROM: Mark F. Tolman RS, CHO
Compliance Inspector

RE: The Birches at Farrwood Green

- Traffic impact study was reviewed. Board of Health has no concerns with traffic study.

This department has no other comments at this time.

MT/bld

MT



James J. Florentini
Mayor

John E. Parow
Fire Chief

Haverhill Fire Department

Fire Prevention / Investigation Unit

D/C William F. Laliberty
Lieut. Roger E. Moses
Insp. Johnathan W. Pramas



4 Summer St, Room 113
Tel: (978) 373-8460
Fax: (978) 521-4441

April 4, 2016

William Pillsbury, Planning Director
4 Summer Street, room 201
Haverhill, MA 01830

Re: The Birches at Farrwood Green/ Sterling Lane/ Traffic Impact Study

The planning, design and construction of new buildings, renovation of existing buildings and structures to provide egress facilities, fire protection and built-in fire protection equipment shall be in accordance with 780 CMR; and any alterations, additions or changes in buildings required by the provisions of 527 CMR which in the scope of 780 CMR, 8th edition, shall be made in accordance therewith. (527 CMR 1.04(4) and 780 CMR 101.2)

Plans approved by the fire department are approved with the intent they comply in all respects to 780 CMR 527 CMR 1.00, MGL Chapter 148 and any City of Haverhill ordinance. Any omissions or errors on the plans do not relieve the applicant of complying with applicable requirements.

I have reviewed the submitted plans for the address stated above and in the interest of public safety, have the following comments:

- The fire department has no comments at this time in the permit process but reserves the right to comment on matters which the fire department is require to comment on and or approve.

Respectfully,

Deputy Fire Chief William F. Laliberty
Haverhill Fire Prevention Division



Haverhill

RECEIVED
MAR 11 2016

Econ Devlp & Planning
& B.O.A.

Board of Health
Inspection Services
Building/Zoning
Phone: 978-374-2325
978-374-2341
978-374-2338
978-374-2430
Fax: 978-374-2337
bdufresne@cityofhaverhill.com

March 11, 2016

MEMORANDUM

TO: William Pillsbury
Planning Director

FROM: Mark F. Tolman RS, CHO
Compliance Inspector

RE: The Birches at Farrwood Green

- Plans / designs of community swimming pool and club house must be submitted to this department for approval.
- Rubbish disposal plan for completed project must be submitted and approved by this department.
- Municipal water and sewer are proposed to service this project which needs no approval from Board of Health.

This department has no other comments at this time.

MT/bld

MT



James J. Fiorentini
Mayor

John E. Parow
Fire Chief

Haverhill Fire Department

Fire Prevention / Investigation Unit

D/C William F. Laliberty
Lieut. Roger E. Moses
Insp. Johnathan W. Pramas



Printed
3-7-16

4 Summer St, Room 113
Tel: (978) 373-8460
Fax: (978) 521-4441

Friday, March 4, 2016

William Pillsbury, Planning Director
4 Summer Street, room 201
Haverhill, MA 01830

Re: Birches at Farrwood Green/ Sterling Lane/ 770-779-74/ Special Permit

The planning, design and construction of new buildings, renovation of existing buildings and structures to provide egress facilities, fire protection and built-in fire protection equipment shall be in accordance with 780 CMR; and any alterations, additions or changes in buildings required by the provisions of 527 CMR which in the scope of 780 CMR, 6th edition, shall be made in accordance therewith. (527 CMR 1.04(4) and 780 CMR 101.2)

Plans approved by the fire department are approved with the intent they comply in all respects to 780 CMR 527 CMR 1.00, MGL Chapter 148 and any City of Haverhill ordinance. Any omissions or errors on the plans do not relieve the applicant of complying with applicable requirements.

I have reviewed the submitted Special Permit plans for the address stated above and in the interest of public safety, have the following comments:

- Proposed driveway, servicing five buildings of which four are three (3) stories, thirty (30) units, garden style residential dwellings and a one story community building, should be designed to the local access, roadway construction standard for subdivision in the City of Haverhill.
- The maximum grade of the roadway shall not exceed seven (7) percent with the minimum grade of one (1) percent.
- A turnaround, for emergency apparatus, is provided for at the twenty four (24) foot intersection of the parking lots for buildings 2, 3, & 4. A minimum twenty five (25) foot inside turning radius shall be provided for at this parking lot intersection (527 CMR 1:18.2.3.4.3.1).
- The location of all proposed fire hydrants shall be approved by both the fire department and water department.
- All buildings shall comply with all the fire protection requirements of 780 CMR, Basic Code, 780 CMR 901.2.1; Document Submittal Process.

Respectfully,

Deputy Fire Chief William F. Laliberty
Haverhill Fire Prevention Division



4/6 March 30, 2016

John Michitson, President
Haverill City Council
City Hall, 4 Summer Street
Haverill, MA 01830

HAND DELIVER

Hearing May 24 2016

**RE: Special Permit Application – 24 Essex Street
Factory Building Renovation & Conversion
(Tax Map 301-53-17)**

15.2

2016APR01 09:23 AM CITYVC

Dear Mr. Michitson:

With this letter, Chinburg Properties on behalf of 16 Wingate Street, LLC submits the enclosed Special Permit application. We propose to renovate the late 19th and early 20th century factory/warehouse building at 24 Essex Street (Tax Map 301-53-17) and convert it to market-rate apartments with first floor commercial space. We will be restoring and rehabilitating the building to meet National Park Service standards for Historic Tax Credits.

16 Wingate Street, LLC respectfully requests a Special Permit from the City of Haverhill to construct fifty-six (56) apartment units and 6,000 square feet of 1st floor commercial space within the existing building at 24 Essex Street as set forth in the Haverhill Zoning Ordinance Chapter 255 Section 96.

The existing building's current use is listed as Industrial/Warehouse. Chinburg's proposal would transform the building into a mixed use-building with "Multi-Family Residential" use on the upper floors and "Commercial" use on the 1st floor.

Of note, we offer the following additional information:

- On February 19, 2016, the Board of Appeals granted a number of dimensional variances as noted in the attached application.
- The property does not have land for parking. Parking for the residential occupants will be provided through a lease agreement with the Merrimack Valley Regional Transit Authority dated March 22, 2016. Refer to the enclosed letter from the MVRTA and the parking calculations on the plans.

Kindly refer this matter to the Planning Board for its review. We have enclosed the appropriate plans and fees in connection with the requested Special Permit. We waive the sixty-five (65) day hearing requirement.

Thank you for your time and consideration.

Sincerely,

Matt Assia

Matt Assia

IN CITY COUNCIL: April 5 2016

REFER TO PLANNING BOARD and


VOTED: that COUNCIL HEARING BE HELD MAY 24 2016

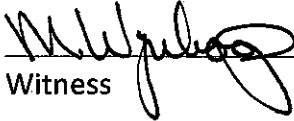
Attest:

City Clerk

Letter of Authorization

I, Eric J. Chinburg, Manager of 16 Wingate Street, LLC, 3 Penstock Way, Newmarket, NH 03857, owner of property located in Haverill, MA known as Tax Map 301, Block 53, Lots 17 & 18, do hereby authorize Chinburg Builders, Inc. d/b/a Chinburg Properties, 3 Penstock Way, Newmarket, NH 03857, to act as agent for 16 Wingate Street, LLC in all matters pertaining to permitting, variances, and special permits in the City of Haverill, MA. The aforementioned property has an address of 24 Essex Street, Haverill, MA.


Eric J. Chinburg, Manager
16 Wingate Street, LLC

MARCH 30, 2016
Date

Witness

3

01/2



SO. ESSEX #117 Bk:34528 Pg:496
11/18/2015 11:13 DEED Pg 1/3

MASSACHUSETTS EXCISE TAX
Southern Essex District 200
Date: 11/18/2015 11:13 AM
ID: 1097875 Doc# 20151118031170
Fee: \$3,534.00
Cons: \$775,000.30

16 Wingate St., Haverhill, MA 01830
24 Essex St., Haverhill, MA 01830
(Assessors map 301-15-17)

PROPERTY ADDRESS:

QUITCLAIM DEED

I, DIANE G. FALWELL, Individually and as Trustee of Ellis Realty Trust,
U/D/T, dated November 13, 1997 (Ellis Realty Trust recorded at Essex South District
Registry of Deeds, Book 14434, Page 382),

of 119 East Rd., Hampstead, NH 03841,

in consideration of \$775,000.00 (seven hundred seventy five
thousand and 00/100 dollars.).

grant to 16 Wingate Street, LLC, a New Hampshire Limited Liability
Company, with an address of 3 Penstock Way, Newmarket, NH 03857

with **QUITCLAIM COVENANTS**

The land, with the buildings thereon, situated in Haverhill, County of Essex,
Commonwealth of Massachusetts, on the Westerly side of Essex Street and the
Southerly side of Wingate Street and bounded and described as follows:

Beginning at the Southeast corner thereof by said Essex Street at a point five
(5) inches Southerly from the outside face of the Southerly wall of the brick building on
said land, and by land now or formerly of the City of Haverhill; thence running
Westerly in a line parallel to and five (5) inches distant Southerly from said outside
face of said Southerly wall about one hundred and ten (110) feet to land now or
formerly of C.W. Arnold at a point in line with the outside face of the Westerly wall of
said brick building; thence Northerly by land now or formerly of Arnold five (5) inches
to a point where the Northeasterly corner of said land now or formerly of Arnold and
the Southwesterly corner of said brick building meet; thence Westerly by said land

Box 193-AC

now or formerly of Arnold in a line with the outside face of said Westerly wall about thirty-three and one half (33 1/2) feet to a passageway extending from Wingate Street to Washington Street; thence Northerly by said passageway about ninety-six (96) feet and four (4) inches to said Wingate Street; thence Easterly by said street fifty-one (51) feet to land now or formerly of Belanger; thence Southerly forty-two (42) feet and four (4) inches to an angle; thence Easterly by land now or formerly of Belanger in a straight line which is parallel to and one (1) inch distance Northerly from the outside face of the Northerly wall of said brick building sixty six (66) feet, four and three fourths (4 3/4) inches to said Essex Street; and thence Southerly by Essex Street fifty-eight (58) feet, eleven and three fourths (11 3/4) inches to said land now or formerly of the City of Haverhill and the point of beginning.

With the right to forever maintain upon said land now or formerly of the City of Haverhill the foundation of said Southerly wall in manner as now existing, together also with the rights to pass and repass in said passageway in common with others, to light and air therein and to hang fire escapes and shutters over said way, as set forth in deed from Harley C. Keeler to Harland P. Hussey, et al, recorded with Essex South District Deeds, Book 2066, Page 480.

ALSO, Parcel 2.

A certain parcel of land with the buildings thereon, situated in said Haverhill and bounded and described as follows:

Easterly by Essex Street, forty-five and five tenths (45.5) feet;
Northerly by Wingate Street, forty-nine and two tenths (49.2) feet;
Westerly by land formerly of Newcomb, forty-two and five tenths (42.5) feet; and
Southerly by land formerly of Marsh sixty-six and five tenths (66.5) feet.

Being the same premises conveyed to Ellis Realty Trust by deed of Richard D. Falwell, dated November 17, 1997, recorded with Essex South District Registry of Deeds, Book 14434, Page 387.

Executed as a sealed instrument this 29th day of October, 2015.

Diane G. Falwell
Diane G. Falwell, individually and as
Trustee of Ellis Realty Trust.

Essex, ss.

October 29, 2015

Then personally appeared before me, the undersigned notary public, DIANE G. FALWELL, individually and as Trustee of Ellis Realty Trust, personally known to me to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.

Alfred J. Cirome
Alfred J. Cirome, Notary Public
My Commission Expires: 11/20/2020





MVRTA Advisory Board Officers
Mayor Daniel Rivera, Chair
Mr. David Van Dam, Vice Chair
Ms. Christine Lindberg, Secretary

Joseph J. Costanzo
Administrator

March 22, 2016

Mr. William Pillsbury
Economic Development and Planning Director
City Hall, Room 201
4 Summer Street
Haverhill, MA 01830

Re: Parking Lease – MVRTA & 16 Wingate Street, LLC

Dear Mr. Pillsbury:

The Merrimack Valley Regional Transit Authority ("MVRTA") has entered into a Lease Agreement with 16 Wingate Street, LLC, said Lease Agreement (the "Lease") dated March 22, 2016, to lease sixty-eight (68) parking spaces (the "Spaces") at MVRTA's garage located on Granite Street in Haverhill. We understand that 16 Wingate Street, LLC will be seeking permits from the City of Haverhill that require the Spaces be leased in connection with its project located at 24 Essex Street, Haverhill.

Please accept this letter as MVRTA's confirmation that the Lease has been executed by both parties.

The pertinent terms of the Lease are as follows:

- Landlord: MVRTA
- Tenant: 16 Wingate Street, LLC
- Lease Execution Date: March 22, 2016
- Number of Parking Spaces: 68
- Initial Term: Fifteen (15) Years
- Renewal Options: Three (3) extension periods of five (5) years each (at market value)

- Delivery of Possession: The Rent Commencement Date
- Rent Commencement Date: Date upon which a certificate of occupancy is issued for Tenant's residential conversion of the building at 24 Essex Street

- Use: 6:00PM through 7:00AM Monday through Thursday
6:00PM through 7:00AM Friday through Monday
To the extent spaces are available, Holidays (as specified in the Lease)
from 6:00PM the day preceding the Holiday to 7:00AM of the day
following the Holiday.

Sincerely,
Merrimack Valley Regional Transit Authority

By: 

Joseph J. Costanzo, Administrator

24 ESSEX STREET

HAVERHILL, MA



03 VIEW

CA
DYNAMIC ARCHITECTS INC.
One South Street
Haverhill, MA 01831
P 978 371 3001
F 978 371 3003
12/20/2015

FOR REGISTRY USE

LEGEND

- DRAIN MANHOLE
- SEWER MANHOLE
- TELEPHONE MANHOLE
- ELECTRIC MANHOLE
- SPOT ELEVATION
- BRICK
- CONCRETE
- ASPHALT
- GRAVEL
- SAND
- CLAY
- SILT
- WATER SHUT OFF
- GAS SHUT OFF

WINDMILL ZONING BOARD OF APPEALS

THE PLAN DOES NOT SHOW ANYTHING OTHER THAN THE INFORMATION PROVIDED HEREON.

WINDMILL PLANNING BOARD

GRAPHIC SCALE



OWNER OF RECORD

16 WINGATE STREET, LLC
2448 S.W. 4th Ave.
MIAMI, FL 33135



DATE	DESCRIPTION	BY	DATE
1/14/15	16 WINGATE STREET, LLC	JD	1/14/15
1/14/15	16 WINGATE STREET, LLC	JD	1/14/15
1/14/15	16 WINGATE STREET, LLC	JD	1/14/15

EXISTING CONDITIONS PLAN

24 WINGATE STREET
MIAMI, FL 33135

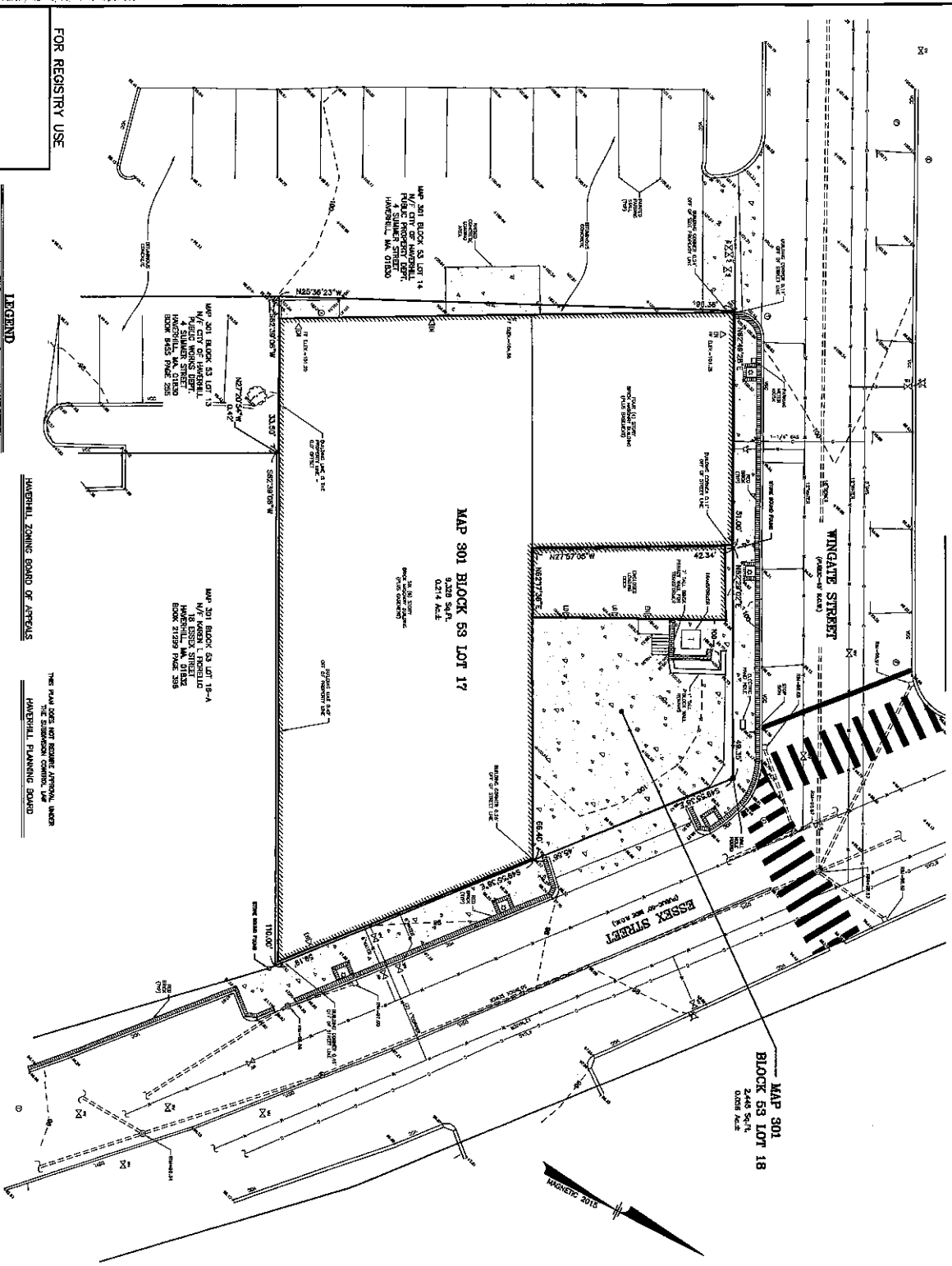
16 WINGATE STREET, LLC
2448 S.W. 4th Ave.
MIAMI, FL 33135

CERTIFICATIONS

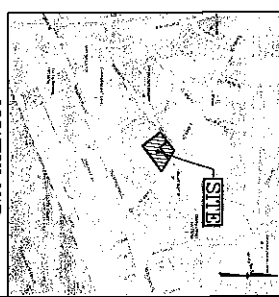
- I, the undersigned, being a duly licensed Professional Engineer in the State of Florida, do hereby certify that I am the author of the foregoing plan and that I am a duly licensed Professional Engineer in the State of Florida.
- I certify that this plan and map conform to the technical standards and requirements for the preparation of plans and maps as prescribed by the Board of Professional Engineers in the State of Florida.
- I certify that this plan and map have been prepared in accordance with the rules and regulations of the Board of Professional Engineers in the State of Florida.

MAP 301 BLOCK 53 LOT 17

MAP 301 BLOCK 53 LOT 18



LOCATION MAP

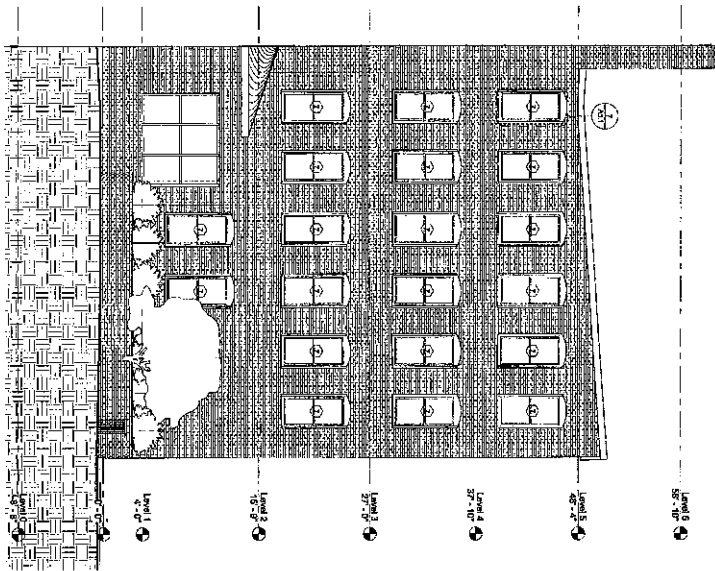
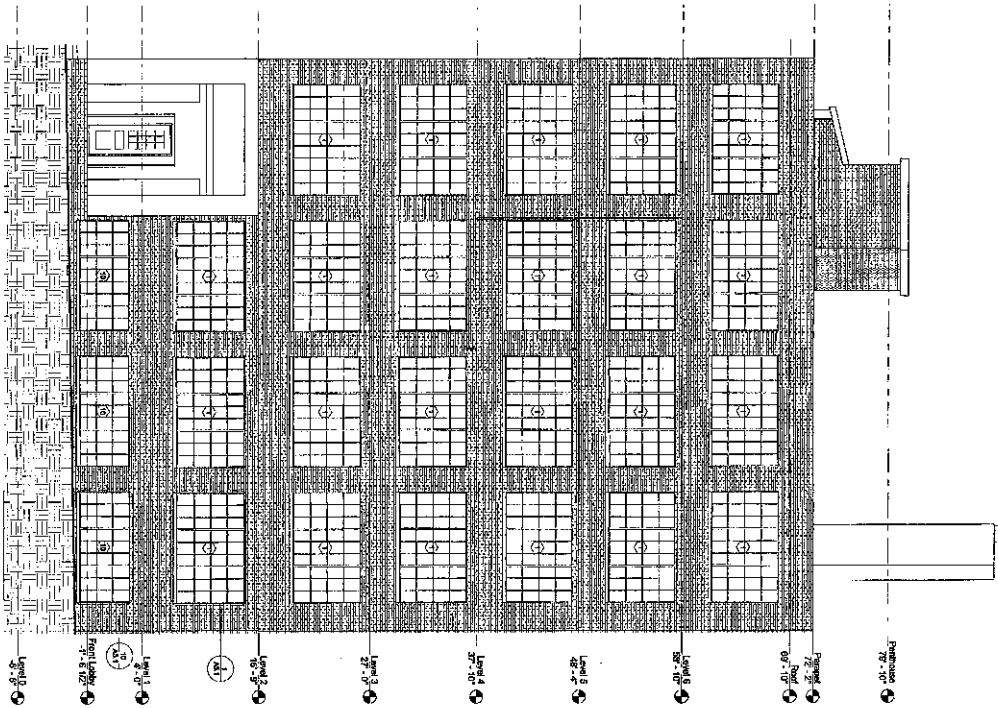


NOTES

- ZONE: INDUSTRIAL GENERAL (I-1) 100' MIN. LOT DIMENSIONS 100' x 100' SETBACKS 40' FRONT 20' SIDE 20' REAR
- REFER TO THE CITY OF MIAMI ZONING ORDINANCE FOR FURTHER INFORMATION, ADDITIONAL RESTRICTIONS AND PERMITTED USES.
- LOCATION OF UNDERGROUND UTILITIES IS APPROXIMATE ONLY. SHOW ONLY BE EXISTING.
- EXISTING SURVEY SHOWN ARE ON AN ASSUMED HORIZONTAL CURVE ELEVATION SHOWN ARE AT THE TOP OF CURB, CURBS ARE 0.50% HIGH.

PLAN REFERENCES

- ESSEX STREET OF RECORD SOUTH DISTRICT (E.S.D.) PLAN BOOK 7 PLAN 14.
- ESSEX STREET OF RECORD SOUTH DISTRICT (E.S.D.) PLAN BOOK 7 PLAN 14.
- ESSEX STREET OF RECORD SOUTH DISTRICT (E.S.D.) PLAN BOOK 7 PLAN 14.



**24 ESSEX
STREET**

HAVERHILL, MA

TEL:
FAX:
EMAIL:

ARCHITECT

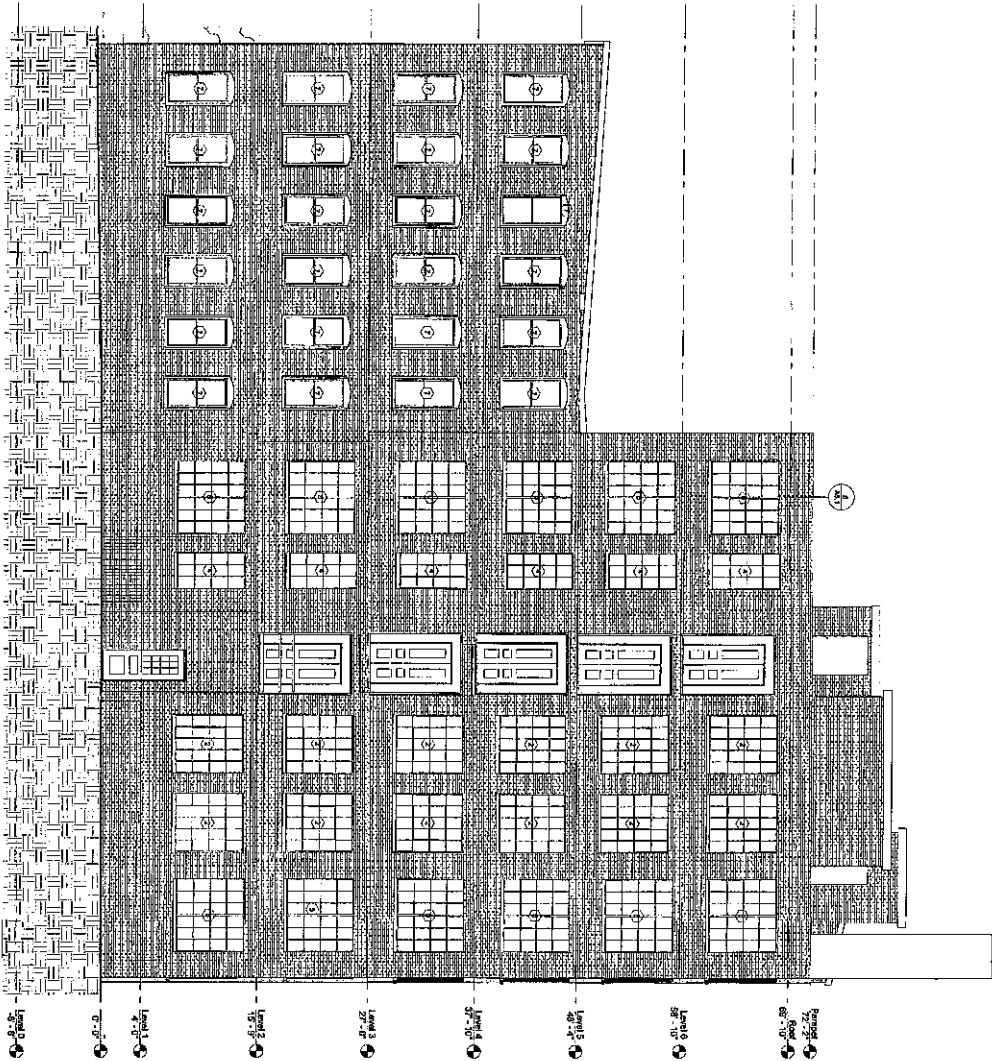
 1824 Essex Street, Suite 100
 Haverhill, MA 01830
 978.371.8001
 978.371.8002

CONSULTANT

DRAWING TITLE
 PROPOSED EAST ELEVATIONS

DATE	12/05/15
DRAWN BY	CHEN/AY
CHECKED BY	CHEN/AY
PROJECT NUMBER	22045-15
PROJECT NAME	24 Essex Street, Suite 100 Haverhill, MA 01830
DATE	12/05/15
BY	CHEN/AY
CHECKED BY	CHEN/AY
PROJECT NUMBER	22045-15
PROJECT NAME	24 Essex Street, Suite 100 Haverhill, MA 01830
DATE	12/05/15
BY	CHEN/AY
CHECKED BY	CHEN/AY
PROJECT NUMBER	22045-15
PROJECT NAME	24 Essex Street, Suite 100 Haverhill, MA 01830

A4.0



1/2" = 1'-0"

24 ESSEX
STREET

HAVERHILL, MA

TEL:
FAX:
WWW:

GA
GARDNER ARCHITECTS
ARCHITECTS
900 STATE STREET
HAVERHILL, MA 01830
978.371.5500

C:\Users\Dev\Documents\24 Essex - Proposed_General_Locate\dwg\77017.rvt

DRAWING TITLE

PROPOSED WEST ELEVATION

DATE: 10/05/18

SCALE: 1/2" = 1'-0"

DATE: 12/28/15








DRAWN BY: CHICKEN

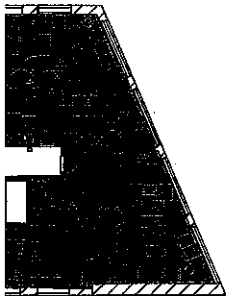
PROJECT NUMBER: 15-01

PROJECT NAME: 24 ESSEX STREET

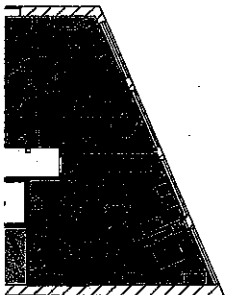
A4.3

APARTMENT LEGEND

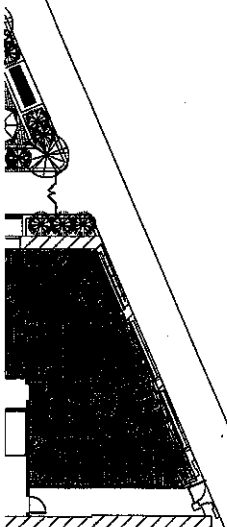
-  COMMON SPACE
-  FUNCTION ROOM
-  UTILITY ROOM
-  COMMERCIAL
-  STUDIO
-  ONE BEDROOM
-  TWO BEDROOM



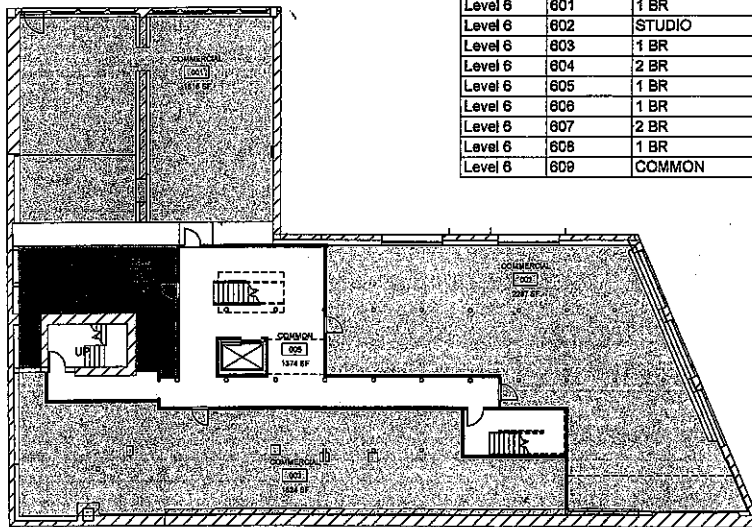
④ Level 3
1/16" = 1'-0"



③ Level 2
1/16" = 1'-0"



② Level 1
1/16" = 1'-0"



① Level 0
1/16" = 1'-0"

Room Schedule			
Level	Number	Name	Area
Level 0	001	COMMERCIAL	1815 SF
Level 0	002	COMMERCIAL	2287 SF
Level 0	003	COMMERCIAL	1824 SF
Level 0	004	MECH	461 SF
Level 0	005	COMMON	1374 SF
Level 1	101	1 BR	938 SF
Level 1	102	1 BR	938 SF
Level 1	103	1 BR	671 SF
Level 1	104	1 BR	716 SF
Level 1	105	1 BR - HC	720 SF
Level 1	106	STUDIO - HC	539 SF
Level 1	107	1 BR	675 SF
Level 1	108	STUDIO	670 SF
Level 1	109	CLUB ROOM	692 SF
Level 1	110	COMMON	1700 SF
Level 2	201	2 BR	943 SF
Level 2	202	2 BR	868 SF
Level 2	203	STUDIO	466 SF
Level 2	204	STUDIO	445 SF
Level 2	205	STUDIO	443 SF
Level 2	206	1 BR	686 SF
Level 2	207	1 BR	705 SF
Level 2	208	STUDIO	546 SF
Level 2	209	1 BR	660 SF
Level 2	210	STUDIO	656 SF
Level 2	211	FITNESS ROOM	764 SF
Level 2	212	COMMON	1100 SF
Level 3	301	2 BR	948 SF
Level 3	302	2 BR	861 SF
Level 3	303	STUDIO	470 SF
Level 3	304	STUDIO	461 SF
Level 3	305	STUDIO	450 SF
Level 3	306	1 BR	691 SF
Level 3	307	1 BR	707 SF
Level 3	308	1 BR	592 SF
Level 3	309	2 BR	740 SF
Level 3	310	1 BR	685 SF
Not Placed	311	STUDIO	Not Placed
Level 3	311	STUDIO	718 SF
Level 3	312	COMMON	1105 SF
Level 4	401	2 BR	966 SF
Level 4	402	2 BR	876 SF
Level 4	403	STUDIO	474 SF
Level 4	404	STUDIO	461 SF
Level 4	405	STUDIO	460 SF
Level 4	406	1 BR	703 SF
Level 4	407	1 BR	713 SF
Level 4	408	1 BR	614 SF
Level 4	409	2 BR - HC	762 SF
Level 4	410	1 BR	696 SF
Level 4	411	STUDIO	738 SF
Level 4	412	COMMON	1105 SF
Level 5	501	1 BR	851 SF
Level 5	502	STUDIO	511 SF
Level 5	503	1 BR	690 SF
Level 5	504	2 BR	930 SF
Level 5	505	1 BR	714 SF
Level 5	506	1 BR	615 SF
Level 5	507	2 BR	783 SF
Level 5	508	1 BR	691 SF
Level 5	509	COMMON	896 SF
Level 6	601	1 BR	783 SF
Level 6	602	STUDIO	509 SF
Level 6	603	1 BR	686 SF
Level 6	604	2 BR	932 SF
Level 6	605	1 BR	712 SF
Level 6	606	1 BR	613 SF
Level 6	607	2 BR	762 SF
Level 6	608	1 BR	703 SF
Level 6	609	COMMON	896 SF

24 ESSEX STREET

HAVERHILL, MA

TEL:
FAX:
WWW:

ARCHITECT:

GA
ganek architects inc.
One River Road
Carlisle, MA 01741
p 978 371 9001
f 978 371 9005

CONSULTANT

DRAWING TITLE
FLOOR PLANS - COLOR

Revision Schedule

Number	Date	Revision Description

SCALE
As indicated

DATE
12/8/15

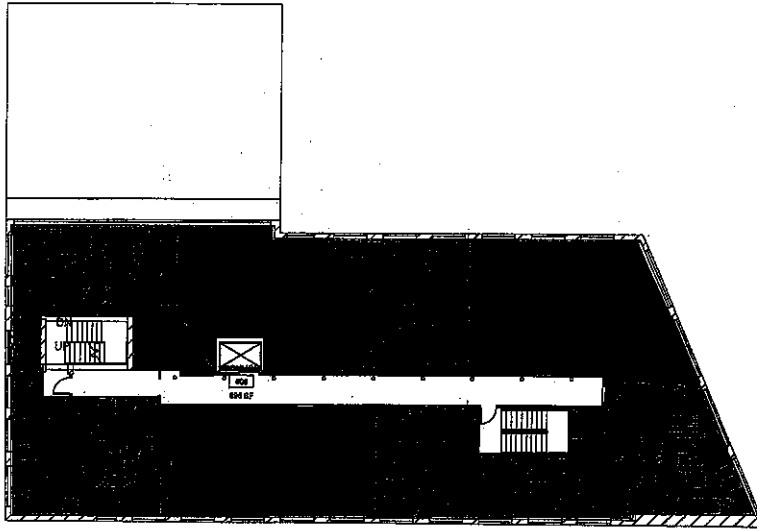
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PROJECT NUMBER
2048-15

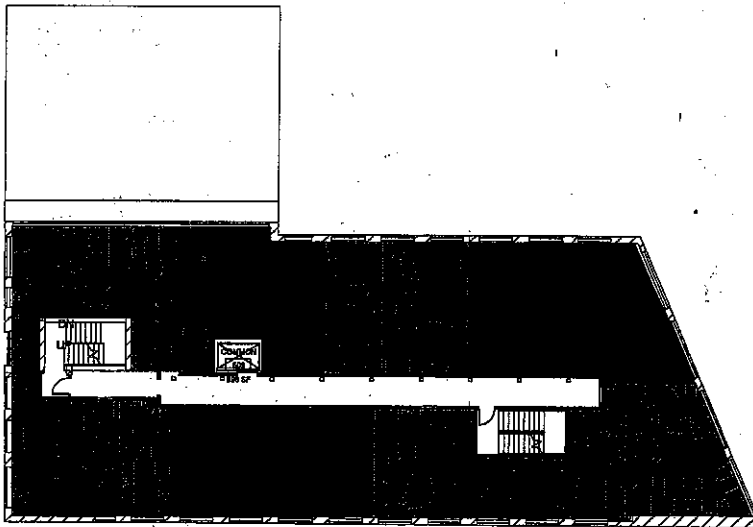
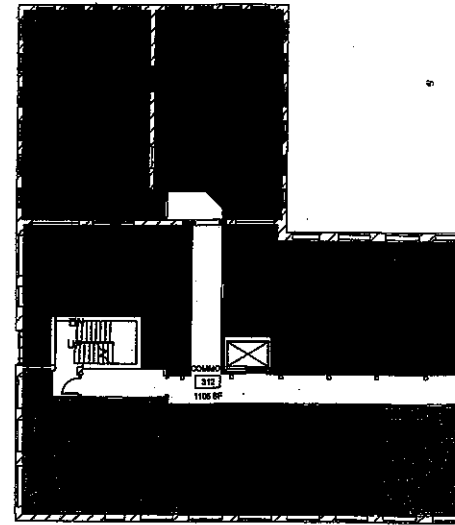
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DRAWING NUMBER

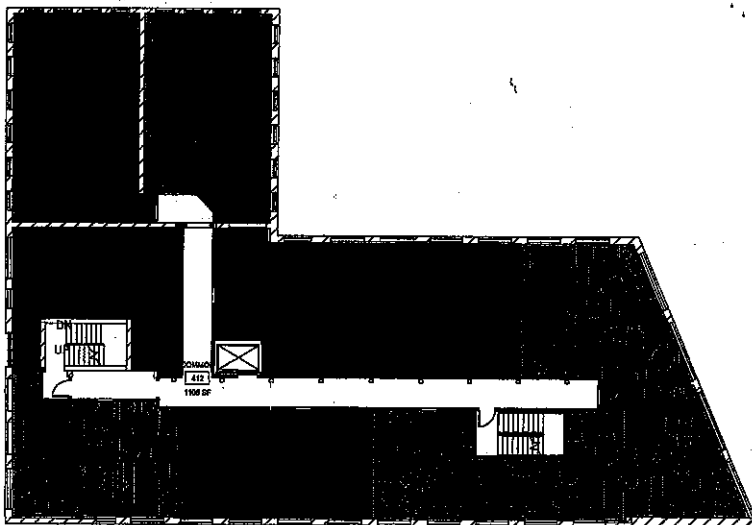
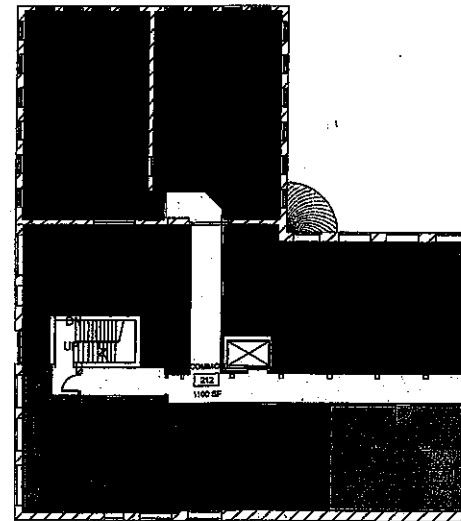
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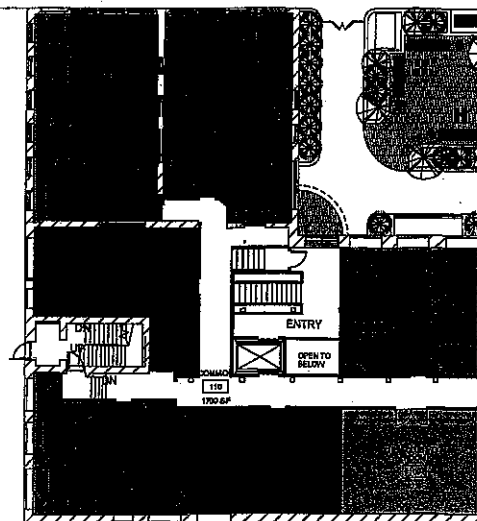
⑦ Level 6
1/16" = 1'-0"



⑥ Level 5
1/16" = 1'-0"



⑤ Level 4
1/16" = 1'-0"





Haverhill

Economic Development & Planning
Phone: 978-374-2330 Fax: 978-374-2315
wpillsbury@cityofhaverhill.com

May 20, 2016

TO: City Council President John Michitson and members of the Haverhill City Council

FROM: William Pillsbury, Jr. Economic Development and Planning Director

SUBJECT: 24 Essex Street Special permit- 56 market rate residential units plus commercial units on the Essex Street level

At its meeting of May 11, 2016 the Haverhill Planning Board voted a unanimous favorable recommendation to the City Council for the proposed mixed-use **market rate** project containing 56 residential units with continued commercial uses on the Essex street level. The minutes of the public hearing are attached for your review.

The role of the Board was to conduct a public hearing to make a recommendation to the city council relative to the special permit. The proposed project represents an excellent development consistent with all of the goals of the city to revitalize the downtown. The redevelopment of the **former "Ted's Leather" building** into a mixed-use market rate project is a strong positive indication of the private sector confidence in investing in Haverhill.

The city departments have reviewed the project and their reports are contained in your packages. No objections have been received. The project if approved for a special permit by the city council must then be filed for a full definitive plan with the planning board at which time the detailed design will be presented pursuant to the city of Haverhill subdivision regulations.

Specifically, I recommend that the Council approve the special permit as proposed and further recommend that the city council approve a waiver from the affordability requirement in our current ordinance. As the council is aware we are revising this antiquated part of our zoning and will be replacing the affordability language that currently does not meet current market conditions with new language that represents

market conditions. The city council has approved this waiver process to use in the interim period and utilized it on several occasions when appropriate and I believe this is an appropriate request based on market conditions and I recommend approval of the waiver.

The council may include in its approval any additional comments from the letters of the City departments; any additional comments/ conditions deemed necessary by the city council; and an umbrella condition that the project comply with all the requirements of zoning code 255-94.

Each of the above specific items if adopted as conditions will be required to be incorporated into and complied with in the definitive plan filing.

As Planning Director, I believe this project is in the best interest of the City of Haverhill in that it provides needed market rate housing in the inner city area without the requirement to add additional utilities to service the project.

Specifically, pursuant to zoning ordinance Ch. 255-80 (as applicable) the following findings must be made by the City Council relative to the project:

- the request meets all pertinent conditions listed in article XI of the ordinance;
- the request is desirable to the public convenience or welfare;

- the request will not impair the integrity or character of the district or adjoining zones nor be detrimental to the health, morals or welfare and will be in conformity with the goals and policies of the master plan;

- The requested use provides for the convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets;

- The requested use provides for adequate methods of disposal for sewage refuse and other wastes and adequate methods for storm water and drainage;

- The requested use provides for adequate off street loading and unloading of service vehicles;

- The requested use preserves historical buildings and uses.

Proposed conditions and stipulations:

I offer the following recommended conditions be made part of the special permit approval:

- While developer has provided a 15 year commitment for lease of parking spaces at the new downtown garage, The applicant shall further be responsible to provide assurance to the city that a renewals are in place to

assure the continuation the parking leases beyond the 15 years. This information shall be provided to the building inspector.

Require that the developer comply with all of the additional requirements of the City's subdivision regulations for water and sewer and drainage improvements as contained within those regulations and further detailed in the above listed and attached letters from the departments. These items shall be reflected in the definitive plan to be filed with the Planning board.

During construction, contractors and subcontractors shall not be allowed to park in the Wingate parking lot or on street in the immediate area.

Recommendation

As Planning Director, I concur with the favorable recommendation based on an assumption that all items in the letters from the City Departments along with all requirements for special permits would be made part of the special permit for the project.

This project with the incorporation of the recommended conditions is generally in conformity with the City's master plan as well as providing sufficiently for traffic, public safety and other utility considerations. The project as proposed appears to conform to all other special permit requirements. On the basis of adopting the proposed conditions/stipulations, I recommend that the council act favorably on this project.



CITY OF HAVERHILL
MASSACHUSETTS 01830

CITY HALL, ROOM 201
FOUR SUMMER STREET
HAVERHILL, MASSACHUSETTS 01830
TELEPHONE 374-2330
FAX 374-2315

PLANNING BOARD

May 12, 2016

City Council President John Michitson
& City Councilors
City of Haverhill

RE: 24 Essex Street Special Permit

Members Present: Bill Evans, Karen Buckley, April DerBoghossian, Esq., Kenneth Cram, Alison Colby Campbell, Jack Everette, Bob Driscoll and Paul Howard

Members Absent: Karen Peugh

Also Present: William Pillsbury, Planning Director
Lori Woodsum, Office Manager

Dear City Council President and Councilors:

Please note at the May 11, 2016 Planning Board meeting the board considered the recommendation of the Planning Director, William Pillsbury for a favorable conditional recommendation for the above mentioned special permit.

Mr. Matt Assia (MA) of Chinburg Properties, 3 Penstock Way, Newmarket, NH 03857 addressed the board. We propose to renovate the late 19th and early 20th century factory/warehouse building and convert to 56 market rate apartments with first floor commercial space. The apartments will be a mix of studio, one and two bedrooms. Haverhill has a very vibrant downtown business district. Chinburg Properties is an almost 30 year old firm. Our specialty is commercial, development, historic rehab development. We have a portfolio of 670 apartments that are in rehabbed mills. We are in the process of rehabbing a mill in Maine and Portsmouth, NH. We enjoy bringing these buildings back to life.

Architect Barry Genek (BG) of Genek Architects, One River Road, Carlisle, MA addressed the board. It is approximately 60,000 s/f building made up of two separate constructions. The Newcomb Brother's building was erected in 1882 and the other building was built in 1920. We will be cleaning up the facades of both buildings. We will be replacing windows for the most

part. In the Newcomb Building the original store front windows will be restored. The original 1920 steel windows will be replaced in appearance. The masonry will be cleaned up, restored and repointed. The corner lot which is paved right now will be redesigned as a public space and small park. There will be a metal fence around the site. There will be two means of access. There will be low, at grade landscaping. There is an existing transformer on the site that we will maintain. There will be a new entry on the corner that will be a common entry for both the businesses and residents. There will be a new canopy.

William Pillsbury (WP), Planning Director stated that this project has received Board of Appeals approval. Can you describe how you will be handling parking?

MA stated we have entered a lease with the Merrimack Valley Transit Authority to allow us to lease at the Granite Street garage. **WP** asked will the number of spaces comply with zoning? **MA** stated yes. They are all in the garage. **WP** asked if these units will be market rate? **MA** stated yes. **WP** asked will you be applying to the state? **MA** stated we will be applying which encourages market rate development.

Chairman Paul Howard (PH) asked if there were comments from the public?

Mr. Carl Burnelle (CB) of 50 Washington Street addressed the board. The JM Loft Building and the proposed development face the Wingate Street parking lot. The loft building provides one parking space in the garage per apartment. I would suspect that most of those apartments will be occupied by people that have maybe more than one car. I for-see as we continue to develop the downtown we are going to have a parking crunch. I would like to know if this will be addressed or if they have considered ideas to alleviate future problems. **WP** stated the zoning is for one space per unit because it really is reflective of the use patterns that we are physically seeing downtown. At the same time we have placed 315 spaces in the parking garage which is at about 50% utilization. We need to do a better job in letting people know the garage is there. We need to implement a parking system in the downtown. We need to make some adjustments and changes. **CB** stated I have lived at 50 Washington Street for the past 3 years and I don't think there is a parking problem now. I'm just forseeing something in the future. I lived at the Hamel Lofts for 3 years. Most of those apartments are 2 bedroom units and have two cars. The JM Lofts will probably have multiple vehicles. **WP** stated this is a problem that the City has. The Mayor and City Council have these concerns. We are constantly looking at it. We have the garage that is underutilized. We also need to have better management on the ground lots.

Lou Fossarelli (LF) addressed the board. I have a place of business at 297 South Main Street, Bradford, MA. I am also a direct abutter to this project. (handed out Boston Globe Article and listing for a building downtown)

I understand how difficult it is to take older buildings and bring them back to make them a vibrant part of the community. Some believe this is the only way to do it. I am not one of them. I believe this is a way to do it, a good way to start to do that. I believe we are over-doing it. I believe it should reach the point where it will sell for its real value not for an artificial value

as elevated by interference with historical, government or whatever. It gives it an inflated value and is only there because the program is in place (restoration of historic buildings). I believe it would drop it to where it belongs and it would be at real market rate scenario. The first document I gave you is an article from Boston Globe last week. It talks about studios and sub600 s/f one bedroom apartments. It talks about the demographic. Its transient, its income level is such that it doesn't support the merchants, restaurant owners around the building itself. In a city like Haverhill the biggest problem is the parking scenario. I served in government and labored through the development of the garage. It was painstaking and difficult. We managed to get it. The garage was never intended to be 300 spaces all lined up. It supposed to be for special events like kids-fest, winter-time parking for residents who need to park when there is a parking ban in place. It's for Friday and Saturday nights when the restaurants are busy. I spend a lot of time down there. I have a business interest downtown. I own the Artist Café. I don't run it, I own it. I am down there all the time. I don't know how they can say the parking garage is under-utilized. There are many times that garage is full. You can't get in. There is sign up front that states that it is full. Bearing that in mind we haven't developed the Chen Building yet. There are spaces allocated in the garage for that project. We haven't occupied the used-office supply building. There are spaces allocated in the garage for that project. Also, the music center building. This building, 24 Essex Street has 56 units. The gentleman is right on. If love is in the air and there is more than one car for any of those units that will take up all the room in the Wingate Street Lot. There are 60 spaces in that lot. If a third had two cars, it would take up half of the lot on the other side of the street by Maria's Restaurant. The director says they are all going to the parking deck. There is going to be a migration to the parking deck and all the things I talked about needing space for parking bans, etc. will not be available to them. It sounds neat and clean. The truth is the vast majority of people who live on Washington Street have no parking. They survive. They scurry between places. They put their car in the garage when they absolutely have to. They pay additionally for a garage spots. These people struggle to find parking. If you live at 24 Essex Street and you came home and there is a spot in front of the building, they will park there and not in the garage. People park in the fire line at Market Basket at Westgate. The guy who comes home and doesn't have a choice and has to drive around to find a space. If you happen to be a person that gets out of work at 8:00, 9:00 and 10:00 pm, the bars and restaurants are all full and the parking lots are all full you can't go to the garage because you don't have a space there. This is the development of downtown, the beauty which is skin deep. You just need to drive by the Office Supply Building to see how beautiful it will be. If you read that article, that's the Boston Globe, that's not Lou Fossarelli talking. These are not in the long term interest of a community. It's good to get started like that. You can be on either side of this issue of older buildings being restored for a community to be able to grow. I think there is other ways. I think you can get to a tipping point where you look for more. I gave you a listing sheet. This is an active MLS that was printed out today for 2 Washington Street its for-sale for \$750,000. They paid a lot less for that asking price, about half. They have their permits. The development, decoration of the building are covered by the rent. This building is just for twelve units. What do they say on the listing sheet? There is an \$800,000 tax credit for twelve units. These gentleman are getting a 3 ½ million dollar tax credit. Why do we owe them 3 ½ million dollars? Should we give them something? I think we should. I think this building is way too dense. I think it should be half

the size it is. I think it should be two to three bedroom apartments. Those would go for serious money; a rising tide lifts all boats. The demographic would be different. It would benefit all the downtown businesses. The Boston Globe says these small created units are hit and run. They pay \$1,000 to \$1,200 a month and then they are gone. I don't think this is what this community wants to do down there. I bought down there 20 years ago. If they bring 56 people 100 feet from my restaurant I'm probably going to do okay, because my building is a lower end breakfast kind of place. I'm not interested in that. I think there is a bigger picture. I think it's the board's job to see that bigger picture. These are great tools. They need to be used carefully. I don't know what the motivation factor is. You can't always squeeze yourself into the lowest common denominator. At some point you have to want more. When are we going to want more? One bedrooms and studios in a place where we have restaurants that you can spend \$100.00 for dinner. It can't happen and it won't happen. The inconvenience and the pain of the people that have no alternative to park, it's just not fair. It's fundamentally not fair. They are going to tell you about the demographics about the people who will be living there. It could be a clerk working at City Hall, a firefighter, a police officer. It's going to be none of those people. Those people in most cases have families and more than one car and are established in the community. They are not coming down for a less than 600 s/f apartment. This is a motivation driven to strictly get the tax credit. Let's give them a credit but not 3 ½ million dollars. Let's scale it down and be able to take that extra parking car if it arrives and do all of the things that make better for the community and a better place for the people that live in that building to be there. That is my argument and my logic. I hope you see it, if not I will be before the City Council.

MA stated our purpose is not for tax credits. We see young professionals. We find we have many empty nesters who are downsizing. We find they love living in downtown areas.

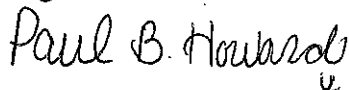
PH closed the public portion of the hearing and turned it over to the Planning Director for comments.

WP stated this project is consistent with the transit-orient part of downtown. Just a point of information, the Haverhill Music Center listing not that real estate agents put anything on a listing sheet that is isn't accurate. This project is probably lapsed as far as the approval goes. They don't have a permit in hand, much less a tax credit. As the applicant has stated this is not a tax credit project. This is not a 40R project. They have gone forward with a market rate project. I have to believe that a developer with the magnitude of this company does some due diligence and understands the market demands. An abutter stated earlier that he doesn't believe there is a parking problem downtown. He has lived there many years. That is something that we need to keep a close eye on. We will and we are on a daily basis keeping an eye on this. At this point the parking garage is under-utilized. We keep statistics on that. I was also involved in the creation of that garage and don't remember it to be characterized the way it was earlier. I believe it was designed to be utilized by the development for the project in the future. That is why it was expanding to the size that it is now. It originally was not for kids-fest but for transportation network. It was originally funded in large part by a federal grant. This project is an adaptive use of a mill structure. It is consistent with how we want to see these

buildings developed downtown. We have a developer that has done market research. I would recommend a favorable recommendation to the City Council with the condition of the City Department concerns. The minutes will be incorporated into the record. Attorney Michael Migliori, an abutter could not be here this evening. I would like Attorney Michael Migliori's email incorporated into the record tonight. He asks that during construction of the project that no construction vehicles be allowed to park on the streets or the parking lots in the immediate area, I think all construction/contractors should be required to park in the lot on Winter Street behind Butch's restaurant. What has been allowed to happen next door at the old Office Supply building has been a nightmare for those of us who work and or reside in the area. This should be strongly stipulated. Another stipulation would be that anyone residing or leasing the commercial space will be required to park in the garage and will not be allowed to obtain a parking permit for any of the surface lots in the district; parking has become a significant problem again in the area. I would recommend that we incorporate this into the record. I would recommend a favorable recommendation to the City Council for 24 Essex Street.

After board consideration, Member Karen Buckley motioned to forward a conditional favorable recommendation to the City Council as recommended by the Planning Director William Pillsbury. Member Alison Colby-Campbell seconded the motion. Members that voted in favor were: Bill Evans, Karen Buckley, April DerBoghossian, Esq., Kenneth Cram, Alison Colby-Campbell, Jack Everette, Bob Driscoll and Paul Howard. Members Absent: Karen Peugh. Motion passed.

Signed:

A handwritten signature in cursive script that reads "Paul B. Howard".

Paul B. Howard
Chairman

Cc: File
Applicant
City Engineer
City Departments



James J. Fiorentini
Mayor

John E. Parow
Fire Chief

Haverhill Fire Department

Fire Prevention / Investigation Unit

D/C William F. Laliberty
Lieut. Roger E. Moses
Insp. Johnathan W. Pramas



4 Summer St, Room 113
Tel: (978) 373-8460
Fax: (978) 521-4441

April 19, 2016

William Pillsbury, Planning Director
4 Summer Street, room 201
Haverhill, MA 01830

Re: 24 Essex Street/ 301-53-17/ Chinburg Properties/ Special Permit

The planning, design and construction of new buildings, renovation of existing buildings and structures to provide egress facilities, fire protection and built-in fire protection equipment shall be in accordance with 780 CMR; and any alterations, additions or changes in buildings required by the provisions of 527 CMR which in the scope of 780 CMR, 8th edition, shall be made in accordance therewith. (527 CMR 1.04(4) and 780 CMR 101.2)

Plans approved by the fire department are approved with the intent they comply in all respects to 780 CMR 527 CMR 1.00, MGL Chapter 148 and any City of Haverhill ordinance. Any omissions or errors on the plans do not relieve the applicant of complying with applicable requirements.

I have reviewed the submitted the Special Permit plans for the address stated above and in the interest of public safety, have the following comments:

- 16 Wingate Street, LLC requests a Special Permit from the City of Haverhill to construct fifty-six (56) apartment units and six thousand (6,000) square feet of first floor commercial space within the existing building.
 - The current use of the building is listed as Industrial/ Warehouse (F/S).
 - The building would be transformed into a mixed-use building comprising of "Multi-Family Residential" use (R-2) on the upper floors and "Commercial" (B/M) use on the 1st floor.
- 780 CMR, Massachusetts State Building Code, 8th edition, consists of the International Building Code 2009 edition (IBC) and as modified with Massachusetts Amendments (MA).
 - 780 CMR 101.2: Scope, the provisions of this code and other referenced specialized codes shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.
 - 780 CMR Chapter 34; Existing Structures, the alteration, repair, addition and change of occupancy of existing buildings shall be controlled by the provisions of the International Existing Building Code 2009 (IEBC) and as modified with MA.
- 780 CMR Chapter 34, Section 912; Change of Occupancy Classification, the provisions of this section shall apply to buildings or portions thereof undergoing a change of occupancy classification. This includes a change of occupancy classification within a group as well as a change of occupancy classification from one group to a different group. Such buildings shall also comply with 780 CMR 34, Sections 902-911.

- All fire protection systems shall be provided in accordance with 780 CMR 34, Sections 912.2.1 and 912.2.2.
 - Section 912.2.1; Fire Sprinkler System, where a change of occupancy classification occurs that requires an automatic fire sprinkler system to be provided based on the new occupancy in accordance with Chapter 9 of the IBC; such system shall be provided throughout the area where the change of occupancy occurs.
 - Section 912.2.2; Fire Alarm and Detection System, where a change of occupancy classification occurs that requires a fire alarm and detection system to be provided based on the new occupancy in accordance with Chapter 9 of the IBC; such system shall be provided throughout the area where the change of occupancy occurs.
- The building currently has the following fire protection components:
 - Allows fire apparatus and personnel access to three (3) sides of the building.
 - The building has an automatic fire sprinkler system in the building and has two fire hydrants adjacent to the building, one on Essex Street and the other on Wingate Street.
 - A fire alarm system monitored by a municipal fire alarm circuit master box.
- In order for this project to be approved, the applicant must comply with all of the requirements of the Massachusetts State Building Code, 8th edition.

Respectfully,



Deputy Fire Chief William F. Laliberty
Haverhill Fire Prevention Division




Haverhill

RECEIVED
APR 08 2016

Econ Devlp & Planning
& B.O.A.

Economic Development and Planning
Conservation Department
Phone: 978-374-2334 Fax: 978-374-2366
rmoore@cityofhaverhill.com
conservation@cityofhaverhill.com

MEMO TO: William Pillsbury, Economic Development and Planning Director

FROM: Robert E. Moore, Jr., Environmental Health Technician 

DATE: April 7, 2016

RE: Chinburg Properties for 24 Essex Street
Parcel ID: 301-53-17
Special Permit – Multi-Family

The Conservation Commission is not scheduled to meet prior to the April 20th due-date for departmental comments. Therefore, I reviewed the forwarded information relative to the subject application. There do not appear to be any wetland issues associated with the applicant's proposal. I offer no objections to the proposed special permit.

24 Essex Street Special Permit Planning Board 5/11/16

Michael Migliori [mmigliori@fimilaw.com]

Sent: Wednesday, May 11, 2016 11:09 AM

To: William Pillsbury

Cc: mayors_admin; Mayor

Bill,

I have a couple of concerns I would like to see addressed in the recommendation coming from the Planning Board to the City Council.

As you know this is a substantial project containing 56 units plus the commercial space.

I would like a stipulation that anyone residing in or leasing the commercial space will be required to park in the garage and **will not be allowed to obtain a parking permit** for any of the surface lots in the district, parking has become a significant problem again in the area.

I would also ask that during construction of the project that no construction vehicles be allowed to park on the streets or the parking lots in the immediate area, I think all construction/contractors should be required to park in the lot on Winter Street behind Butch's restaurant. What has been allowed to happen next door at the old office supply building has been a nightmare for those of us who work and or reside in the area.

Should you have any questions or wish to discuss this more please let me know.

Thanks.

Michael J. Migliori
Fiorello & Migliori
18 Essex Street
Haverhill, MA 01832
ph 978-373-3003
fx 978-373-3066

email: mmigliori@fimilaw.com



stewart

Vetted and verified.



DOCUMENT

CITY OF HAVERHILL

In Municipal Council

16.1

ORDERED:

ORDERED

That the real property located on Merrimack Street, known as the Riverfront Promenade Parking Lot and as shown on Assessors Map 102, Block 7, Lots 11, 16, 17 and 20, containing approximately 0.932 acres, being and is hereby declared surplus. The Mayor is hereby authorized to secure a real estate appraisal of the Lots, and, to issue a request for proposals for the sale and development of said real property.



JAMES J. FIORENTINI
MAYOR

CITY OF HAVERHILL
MASSACHUSETTS

CITY HALL, ROOM 100
FOUR SUMMER STREET
HAVERHILL, MA 01830
PHONE 978-374-2300
FAX 978-373-7544
MAYOR@CITYOFHAVERHILL.COM
WWW.CI.HAVERHILL.MA.US

May 20, 2016

City Council President John A. Michitson and
Members of the Haverhill City Council

RE: Surplus Parcel

Dear Mr. President and Members of the Haverhill City Council:

As you know, we are in the process of doing an economic development study for the Merrimack Street part of downtown. The group doing the study is the Utile Group and is called the Utile study.

A key recommendation of the study is that we explore whether or not private investors are interested in investing in any of the land which the city owns in the Merrimack Street area.

I would like to begin this process by seeing if developers are interested in any of the land on the lower end of Merrimack Street in order to invest in the city. Of course they would have to replicate any parking if they were to purchase or lease the land.

The first step in this process would be to declare the land surplus. The ultimate authority to dispose of this land or any other land would always be up to the City Council

Enclosed is an order and I recommend approval. Bill Pillsbury will be before you Tuesday night to answer any questions you may have.

Very truly yours,

James J. Fiorentini (dub)

James J. Fiorentini, Mayor

JJF/ah



DOCUMENT

17.1

CITY OF HAVERHILL

In Municipal Council

ORDERED:

MUNICIPAL ORDINANCE

CHAPTER 240

AN ORDINANCE RELATING TO VEHICLES AND TRAFFIC

BE IT ORDAINED by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 240, as amended, be further amended by adding the following to § 240-98 Schedule P: Heavy Commercial Vehicles:

NAME OF STREET	LOCATION OF EXCLUSION	EXCLUSION TYPE	EXCLUSION TIMES
Lawrence Road	From Groveland Road to Salem Street	All vehicles over 2 ½ tons	24 Hours 7 days

APPROVED AS TO LEGALITY:

City Solicitor



Haverhill

Engineering Department, Room 300
Tel: 978-374-2335 Fax: 978-373-8475
John H. Pettis III, P.E. - City Engineer
JPettis@CityOfHaverhill.com

May 17, 2016


**MEMO TO: CITY COUNCIL PRESIDENT JOHN MICHITSON AND
MEMBERS OF THE CITY COUNCIL**

Subject: *Lawrence Road – Heavy Vehicle Truck Exclusion (HVTE)*

We recently had a Study done for Lawrence Road to determine if it would be proper to have a HVTE on the roadway. The Study recommended that such exclusion was proper, and MassDOT agrees and approves (see attached). Also attached is the proposed Ordinance for the exclusion. Please place on file for 10 days at the May 24th meeting, for vote at the June 7th meeting

Please contact me if you have any questions.

Sincerely,


John H. Pettis III, P.E.
City Engineer

C: Mayor Fiorentini, Stankovich, Ward, DeNaro, Cox



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, Secretary & CEO
Thomas J. Tinlin, Administrator



May 2, 2016

Mr. John H. Pettis III, P.E.
City Engineer
City Hall, Room 300
4 Summer Street
Haverhill, MA 01830

Dear Mr. Pettis:

This is relative to a recent request received by MassDOT for a twenty-four hour, two and one-half ton Heavy Commercial Vehicle Exclusion for Lawrence Road in the City of Haverhill.

Please find attached a copy of Traffic Regulation Permit No. 128-7201 for Lawrence Road, dated May 2, 2016. Please forward to this office a copy of the official municipal ordinance adopting this regulation into the City's rules and regulations at your earliest convenience.

Sincerely,

Neil E. Boudreau
State Traffic Engineer

RFW/
Att.
Cc. Dist. 4 Traffic
Chief of Police



TRAFFIC ENGINEERING & OPERATIONS
HEAVY COMMERCIAL VEHICLE EXCLUSION
TRAFFIC REGULATION PERMIT

City/Town: **HAVERHILL**

Date: **May 2, 2016**

Permit No. **128-7201**

Under the authority of MASS. GEN. LAWS Ch. 85, § 2, the Commonwealth of Massachusetts Department of Transportation Highway Division hereby approves the Municipal Ordinance enacted by the City Council of the City of Haverhill with such stipulations and exceptions, if any, as are noted herein.

The validity of this permit is contingent upon the conformity of the signs erected or used in connection with this Traffic Rule and Regulation, with the standards and specifications prescribed by MassDOT.

EXCLUDED ROUTES— Lawrence Road

EXCLUSION TYPE — Two and one half (2 ½) Tons

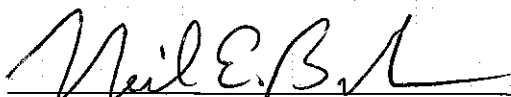
HOURS OF EXCLUSION — 24 hours

DAYS OF EXCLUSION — 7 Days

ALTERNATE ROUTE— Salem Street, Groveland Road

EXEMPTION: *This exclusion does not apply to heavy commercial vehicles going to or coming from any of the above excluded routes for the purpose of making deliveries of goods, materials or merchandise to or similar collections from abutting land or buildings or adjacent streets or ways to which access cannot otherwise be gained; or to vehicles used in connection with the construction, maintenance and repair of said streets or public utilities herein; or to Federal, State, Municipal or public service corporation owned vehicles.*

FOR MASSDOT HIGHWAY DIVISION



State Traffic Engineer



DOCUMENT

CITY OF HAVERHILL

In Municipal Council

17.2

ORDERED:

**An Ordinance Relating to Parking
(52 High Street—Rear of the house)—Handicap Parking)**

BE IT ORDAINED by the City Council of the City of Haverhill that Article XIII, Chapter 240 Section 85, Schedule B: Parking Restrictions and Prohibitions of the Haverhill City Code, as amended be further amended by adding the following:

LOCATION	REGULATION	HOURS/DAYS
<u>52 High Street (REAR of the house)</u>		
In front of No. 52 (Rear) High Street except for 1-24 hour handicapped parking space at No. 52 (Rear)	No Parking	24 Hours

APPROVED as to legality:

City Solicitor
William D. Cox, Jr.

CITY COUNCIL

JOHN A. MICHITSON
PRESIDENT
MELINDA E. BARRETT
VICE PRESIDENT
ANDRES X. VARGAS
MICHAEL S. MCGONAGLE
JOSEPH J. BEVILACQUA
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CITY OF HAVERHILL
HAVERHILL, MASSACHUSETTS 01830-5843

May 12, 2016

TO: Mr. William Pillsbury
Planning and Development Director

RE: **Document to Establish Handicap Parking Ordinance – 52 High Street Rear**

Dear Mr. Pillsbury:

At the City Council meeting held on May 19, 2016, the following request for a handicap parking space was approved and submitted by Chief DeNaro:

- 52 High Street – *Officer Powell recommends that the sign be placed at the rear of the house on Arch Ave*

Would you kindly prepare the proper documents and place it on the next Council agenda for action. Thank you for your continued cooperation, consideration and assistance. It is appreciated.

Sincerely yours,

John A. Michitson, President
Haverhill City Council

JAM/bsa

encl.

c: Mayor James J. Fiorentini
City Councillors
Police Officer Lance Powell

To: Chief Denaro
From: Officer Powell
Date: April 28, 2016
Re: Handicap sign request

Sir,

I have received an application for a handicap parking sign from Jean Easter of 52 High St. She has an active Massachusetts handicap placard issued to her. I have inspected the location and her request is appropriate. She currently has limited off street parking. I would recommend that a Handicap parking space be placed in the rear of her home located on Arch Ave.

Respectfully Submitted,


Officer Powell

(BAGUP)

CITY OF HAVERHILL
APPLICATION FOR HANDICAP PARKING SIGN

*NEW ☒

*RENEWAL ☐

DATE OF REQUEST 2-2-16

DATE OF APPROVAL 4-21-16

NAME: Jean Easter

ADDRESS: 52 HIGH ST Haverhill mass. (in back of house)

TELEPHONE #: 978-398-8345 cell

VEHICLE TYPE: 2015 Sentra Sedan Nissan color-Red

PLATE #: 2SJ157

Do you currently have off street parking at your residence? ☒ Yes ☐ No

If yes, why is there a need for a handicap parking sign?

THERE IS MORE THAN ONE VEHICLE
IN REAR OF HOUSE (on ARCH AVE) 1ST FLOOR

Did you have a handicap parking sign at a previous address? ☐ Yes ☒ No

If yes, location? _____

x Jean Easter
Applicant Signature

- Please include a copy of your current handicap placard or handicap registration, along with this application.

☒ Approve

☐ Denied

Reason for denial _____

Alan R. [Signature]
Chief of Police Signature

☐ Approve

☐ Denied

Reason for denial _____

City Council Approval _____

Please allow for a minimum of thirty (30) days for sign placement upon approval of City Council.

*ORDINANCE WILL EXPIRE 24 MONTHS FROM DATE OF APPROVAL.

MAIL OR DELIVER COMPLETED APPLICATION TO CHIEF OF POLICE, 40 BAILEY BLVD.



Document

CITY OF HAVERHILL

In Municipal Council

File 10 days
17.3

Ordered: that \$37,484,000.00 is appropriated for the purpose of financing the engineering and construction of improvements to the water treatment plant including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that to meet this appropriation the Treasurer with the approval of the Mayor and the Auditor is authorized to borrow \$37,484,000.00 and issue bonds or notes therefore under (Chapter 44 of the General Laws or insert reference to other applicable general or special law governing the issuance of local bonds) and/or Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that such bonds or notes shall be general obligations of the City unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as most recently amended by St. 1998, c.78; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to Chapter 29C, as most recently amended by St. 1998, c.78; and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

17.4

RESOLUTION

Resolution Authorizing Officer to file Application with the Massachusetts Department of Environmental Protection for State Financial Assistance for Water Pollution Abatement Projects.

AUTHORITY TO FILE

Whereas, the City of Haverhill, after thorough investigation, has determined that the work activity consisting of construction activities related to improvements to the water treatment plant is both in the public interest and necessary to protect the public health, and that to undertake this activity, it is necessary to apply for assistance; and

Whereas, the Massachusetts Department of Environmental Protection (MassDEP) and the Massachusetts Clean Water Trust (the Trust) of the Commonwealth of Massachusetts, pursuant to Chapter 21 and Chapter 29C of the General Laws of the Commonwealth ("Chapter 21" and "Chapter 29C") are authorized to make loans to municipalities for the purpose of funding planning and construction activities relative to Drinking Water Protection Projects; and

Whereas, the Applicant has examined the provisions of the Act, Chapter 21 and Chapter 29C, and believes it to be in the public interest to file a loan application.

NOW, THEREFORE, BE IT RESOLVED by the Haverhill City Council as follows:

1. That the Mayor is hereby authorized on behalf of the Applicant to file applications and execute agreements for grant and/or loan assistance as well as furnishing such information, data and documents pertaining to the applicant for a grant(s) and/or loan(s) as may be required; and otherwise to act as the authorized representative of the Applicant in connection with this application;
2. That the purpose of said loan(s), if awarded, shall be to fund construction activities.
3. That if said award is made the Applicant agrees to pay those costs which constitute the required Applicant's share of the project cost.



JAMES J. FIORENTINI
MAYOR

**CITY OF HAVERHILL
MASSACHUSETTS**

CITY HALL, ROOM 100
FOUR SUMMER STREET
HAVERHILL, MA 01830
PHONE 978-374-2300
FAX 978-373-7544
MAYOR@CITYOFHAVERHILL.COM
WWW.CI.HAVERHILL.MA.US

May 19, 2016

City Council President John A. Michitson and
Members of the Haverhill City Council

RE: Loan Order

Dear Mr. President and Members of the Haverhill City Council:

Attached is the loan order in the amount of \$37,484,000.00 to be appropriated for the purpose of financing the engineering and construction of improvements to the Water Treatment Plant. Bob Ward will provide detailed documentation on May 27, 2016.
This needs to be filed for 10 days.

I recommend approval.

Very truly yours,

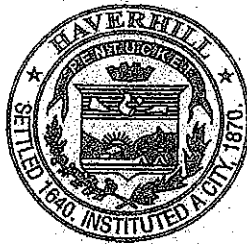
James J. Fiorentini (dwd)

James J. Fiorentini, Mayor

JJF/ah

CITY COUNCIL

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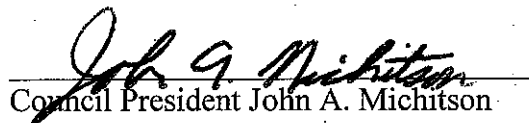
CITY OF HAVERHILL
HAVERHILL, MASSACHUSETTS 01830-5843

20.1
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May 19, 2016

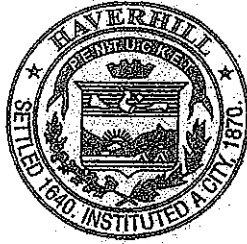
Members of the City Council:

President Michitson wishes to address agreement between Greater Haverhill Foundation, Massachusetts Technology Collaborative and City of Haverhill for providing additional economic development consultants for the City of Haverhill.


Council President John A. Michitson

CITY COUNCIL

JOHN A. MITCHISON
PRESIDENT
MELINDA E. BARRETT
VICE PRESIDENT
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May 19, 2016

Mr. President and Members of the City Council

Councillor Joseph Bevilacqua would like to introduce, Joseph D'Amore of Common Ground Café ministry to speak about security measures at GAR park,


City Councillor Joseph Bevilacqua

CITY COUNCIL

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May 19, 2016

TO: Mr. President and Members of the City Council

Councillor Joseph Bevilacqua would like to discuss the Bradford water park pond adjacent to Ferry Road.


City Councillor Joseph Bevilacqua b3-

CITY COUNCIL

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CITY OF HAVERHILL HAVERHILL, MASSACHUSETTS 01830-5843

MINUTES OF THE ADMINISTRATION AND FINANCE COMMITTEE MEETING HELD ON MAY 12, 2016

An Administration and Finance Committee Meeting was held on Wednesday, May 12, 2016 at 7:00P.M. in the City Council office, Room 204.

Committee Members: Committee Chairperson Colin LePage, Council Vice President Melinda Barrett, Councillor Mary Ellen Daly O'Brien, Councillor William Macek. Council President John Michitson, Councillor Andres Vargas, Councillor Joseph Bevilacqua and Councillor Thomas Sullivan also attended.

Department Heads: City Solicitor William Cox, City Clerk Linda Koutoulas

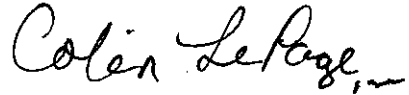
Attendees: Ron MacLeod, Tricia Barrett-MacLeod

The following items were discussed:

- 1.) **Doc. 6-T** – Communication from Councillor Bevilacqua requesting to discuss proposed amendment to the application form for an exterior vending machine license; *The Committee reviewed the proposed changes to the application form submitted by the City Clerk and the Committee made one additional amendment to replace the social security number with the employer information number (EIN) on the back of the application form. A motion was made to accept the form as revised, passed unanimously.*
- 2.) **Doc. 38-H** – Communication from Councillor Bevilacqua requesting to discuss economic development business retention promotion and assistance program; *Councillor Bevilacqua informed that he made his presentation at the Council meeting and had no additional information for discussion. A motion was made to remove the item from the Council Study list, passed unanimously.*
- 3.) **Doc. 38-I** – Communication from Councillor Bevilacqua requesting a business & industry recognition opportunity; *Councillor Bevilacqua informed that he made his presentation at the Council meeting and had no additional information for discussion. A motion was made to remove the item from the Council Study list, passed unanimously.*
- 4.) **Doc. 38-V** – Communication from Councillor Daly O'Brien requesting a re-evaluation of the City Council Rules & Regulations; *The current Rules and Regulations were reviewed by all Councillors present. Additions and deletions of such Rules were suggested and discussed by all present. Recommended changes are to: Rule 2A, Rule 10, Rule 11, Rule 17, Rule 23, Rule 27C, and Rule 33.* A motion was made to send the proposed amendments to the City Solicitor for review of language and legality and then back for full Council review and approval, passed unanimously.*

The meeting adjourned at 9:49 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Colin LePage".

Colin LePage, Chairperson
Administration and Finance Committee
Haverhill City Council

May 12, 2016

CL/bsa

*encl. – Rules and Regulations

c: Mayor James J. Fiorentini
City Council

RULES AND REGULATIONS OF THE CITY COUNCIL

ORGANIZATION

Rule 1. The City Council shall meet for organization at ten o'clock in the forenoon on the first Monday of January following the regular municipal election and the members of the City Council shall severally make oath, before the City Clerk or a justice of the peace, to perform faithfully the duties of their respective office, except any member-elect not present shall make oath at the first regular meeting of the City Council thereafter which s/he attends.

For the purpose of organization, the City Clerk shall be temporary Chairperson until the President and Vice President are elected. President nominee(s) must have a minimum of one year's experience on the Haverhill City Council to qualify for election.

The City Council shall, by majority vote of all members elected, elect a President and Vice President from its own members; and the persons elected shall likewise make oath to perform faithfully the duties of the respective offices to which they are so elected at the same meeting, except any member-elect not present shall make oath at the first regular meeting of the City Council thereafter which s/he attends.

The following year, the first Tuesday of January at 7:00 o'clock P.M., the members of the City Council shall meet for the purpose of organization.

Within the first sixty (60) days of each term of a City Council, the members of the City Council shall vote to approve, amend, add, or disapprove of its Rules and Regulations.

REGULAR MEETINGS

Rule 2. Regular meetings of the City Council shall be held every Tuesday at 7:00 o'clock P.M. except in June there shall be a meeting on the first, third and fourth Tuesday except when June has five Tuesdays then it will be first, third and fifth. From July through Labor Day, the Council shall meet every other week beginning with the second Tuesday of July. In September, after Labor Day, the Council shall return to its regular weekly schedule. The meeting(s) scheduled for the Tuesday after the President's Day holiday in February, Tuesday before Thanksgiving and the Tuesday of the Christmas holiday week shall be cancelled. The meetings shall be held in the City Council Chambers, City Hall. The City Council may at any meeting, by a majority vote, discontinue any further meetings herein before scheduled.

MEETINGS OPEN TO PUBLIC

Rule 2A. Except in the case of executive sessions, all meetings of the City Council and of City Council Committees thereof shall be open to the public, and the City Council shall provide that citizens shall have up to three (3) minutes, unless a longer period is deemed necessary by the presiding Councillor to be heard at any such meeting in regard to any matter considered there. All meetings of the City Council shall conform to the Massachusetts Open Meeting Law (M.G.L. c.30A sections 18-25).

SPECIAL MEETINGS

Rule 3. The President, or in his/her absence the Vice President, of the City Council, or any three members thereof, may at any time call a special meeting by causing written notices, stating the time of holding such meeting and signed by the person or persons calling the same, to be delivered in hand or by electronic communication to each member of the City Council at least twenty-four hours before the time of such meeting.

Every notice for a special meeting shall specify the subject to be acted upon and the place and time where the meeting is to take place.

HOLIDAYS

Rule 4. Whenever the day set by these rules for any meeting of the City Council shall fall upon a holiday, then such meeting shall be cancelled by order of the Council.

QUORUM

Rule 5. Five (5) members of the City Council shall constitute a quorum.

REMOTE PARTICIPATION

Rule 6. Remote participation of City Council meetings shall be conducted in accordance with the Code of the City of Haverhill, Chapter 66, Article III.

PRESIDING OFFICER

Rule 7. The President, if present, shall preside at the meetings. In the absence of the President, the Vice President of the City Council shall preside or, in the absence of both, the next available Councillor in a downward sequential order as determined by the voting results of the last City Council election shall preside if s/he desires during the absence of both the President and the Vice President.

VACANCY IN THE OFFICE OF PRESIDENT OR VICE PRESIDENT

Rule 8. If the office of President becomes vacant, the Vice President shall assume duties of the President or if the office of Vice President becomes vacant, the City Council, in the manner provided in Rule 1, shall at the next regularly scheduled meeting elect one of its members to fill such office for the unexpired term, provided that no such vacancy shall be filled so long as there is a vacancy in the City Council.

DUTIES OF PRESIDING OFFICER

Rule 9. The presiding officer shall preserve decorum and order, may speak to points of order in preference to other members; shall decide all questions of order, subject to any appeal to the City Council, regularly seconded; and no other business shall be in order until the question on the appeal shall have been decided. The vote upon the appeal from the ruling of the chair shall be by roll call and shall stand unless a majority of the votes are to the contrary. The chair shall be allowed to vote on any question of appeal.

The presiding officer or his/her designee shall report all votes and the presiding officer shall then declare the result, and if the result be in doubt, may call for a roll call vote. Such declaration, if not the result of a roll call, shall stand unless it is reversed by a roll call called for by any member.

RELINQUISHING THE CHAIR

Rule 10. When the presiding officer desires to relinquish the chair, s/he shall call upon the Council Vice President, and, if not present, s/he shall call upon the next available Councillor in a downward sequential order as determined by the voting results of the last City Council election but such substitution shall not continue beyond the will of the presiding office so relinquishing the chair or beyond any adjournment, except as hereafter provided.

If the presiding officer wishes to present an agenda item or participate in any subject under debate, s/he shall relinquish the chair as above provided and shall not resume the chair until s/he is through speaking and all points of order arising therefrom have been decided.

The presiding officer may, however, express a final opinion on any subject in which debate has concluded, without relinquishing the chair.

COMMITTEES

Rule 11. The President of the City Council shall appoint all standing committees, all special committees, shall fill any committee vacancy and designate the rank of the members of each committee unless specifically directed otherwise by a majority of the council. There shall be the following standing committees:

1. Administration & Finance Committee: Department of Finance & Records; and Law
2. Natural Resources & Public Property Committee: Water and Wastewater; Energy Conservation; Conservation Commission; Department of Public Buildings; Assessors; Parks and Playgrounds
3. Planning & Development Committee: Department of Community Planning and Development; Planning Department; Engineering.
4. Public Health, Safety & Works Committee: Department of Law Enforcement; Department of Fire Safety Services; Public Works; Public Health.
5. Citizen Outreach Committee: Constituent and Neighborhood Groups

The City Councillor responsible for initiating an item at an official Council meeting which is then forwarded to a Committee for further study and review must make him/herself available at the Committee meeting upon which said item is to be reviewed. Failure or inability of procuring Councillor to attend the meeting to which the item is scheduled to be heard shall result in said item being tabled to the next meeting of the Committee.

The Committee Chairperson shall ensure items referred to Committee be reported on as soon as reasonably possible after item is referred. On any item submitted to Committee of the City Council, the President shall have final authority as to which Committee or to which department an item will be forwarded to. Any item submitted to sub-committee of the City Council shall be reported back to the

City Council with recommendation(s) for action, if any. The City Council Vice President shall work to ensure items referred to Committee be reported on within 60 days of referral by the Committee Chairperson.

The meetings of the standing committees of the City Council shall be held on Mondays, Wednesdays or Thursdays no earlier than 7:00 PM. in the City Council office, Room 204, except in cases where the subject matter to be discussed is deemed by the Committee Chairperson to be more appropriate at another day, time or place.

SUFFICIENCY OF VOTE

Rule 12. The affirmative vote of a majority of all the members elected to the City Council shall be necessary for the passage of any order, ordinance, resolution, or vote except as noted herein or otherwise provided by the General Laws. The affirmative vote of a majority of the members present shall be sufficient to adjourn any meeting of the City Council.

COUNCIL VOTES NECESSARY PLAN A

	Annual Budget	Majority	5 votes
	Salary Appropriation	Majority	5 votes
	Salary Ordinance (increase)	2/3	6 votes
	Loan Orders	2/3	6 votes
	Transfer from one department to another (C.44 S.33B)	2/3	6 votes
	Transfer within department	Majority	5 votes
	Eminent Domain	2/3	6 votes
*	Zoning ordinances and amendments	2/3	6 votes
**	Zoning Special Permits	2/3	6 votes
	Suspend Rules	2/3	6 votes
	To amend a document	Majority	5 votes
	To rescind a document	2/3	6 votes
	To expunge a document	2/3	6 votes
	To override a Mayor's veto	2/3	6 votes
	Motion to censure	2/3	6 votes
*	If a petition signed by the owners of 20% of the property abutting is presented to the Clerk prior to the close of the hearing, protesting a change, the document requires 7 votes, (see G.L. C.40A s.5)		
**	Cluster Residential Development, Planned Unit Development and Multifamily dwellings (see G.L. c.40A), Used and New Car Dealerships (see Zoning Regulations Ch.255-16, Table of Use and Parking Regulations)		

EVERY MEMBER SHALL VOTE EXCEPT AS PROVIDED IN THIS RULE

Rule 13. Every member present when a question is put shall vote, unless any Councillor for special reasons stated before the roll call vote and decided upon without debate shall be excused. No member shall leave the Council Chambers without permission of the chair if his/her presence is necessary to make a quorum.

MANNER OF VOTING YES - NO - VOICE VOTE

Rule 14. Final votes of the City Council shall be by individual voice vote by YES or NO and shall be entered on the records. The presiding officer shall always vote last.

With the exception of votes for orders, ordinances and Council votes necessary under the Plan A form of government, the President may proceed by voice vote of the City Council unless objected to by another member of the City Council in which case the vote shall be recorded as stated above.

Notwithstanding the language contained in Rule 12, no member shall vote on any question or serve on any committee where his/her private right is immediately concerned, distinct from the public interest.

Rule 15. Prior to the announcement by the Chair of the result of a roll call vote, any Councillor may ask to have his/her name called again in order to record him/herself differently.

GAINING THE FLOOR

Rule 16. Every Councillor, when wishing to speak, shall raise his/her hand respectfully or, if available, signal the Chair by some other acceptable manner, asserting his/her desire to gain the floor and wait until s/he is recognized.

EVERY ORDER OR RESOLUTION MUST BE ENDORSED

Rule 17. No order or resolution shall be received or acted upon unless endorsed by a member of the Council and properly seconded.

WITHDRAWING NOTICE

Rule 18. After a motion is stated or read by the Chair and properly seconded, it shall be deemed to be in possession of the Council, and shall be disposed of by vote, but the mover or seconder may withdraw it at any time before a decision or amendment.

PETITIONS ONCE REJECTED

Rule 19. Except as otherwise might be provided specifically in the Massachusetts General Laws, whenever final action on any order, ordinance, petition or question has been taken by the City Council, no further order, ordinance, petition or question which in substance is the same as heretofore acted upon, shall be resubmitted to the Council within six months from the time of the Council's previous action thereon unless two-thirds of the Council consents in writing for its resubmission.

Nothing in this rule shall be intended to waive provisions of Rules 22 and 23 and said rule shall not be considered inconsistent with said rules numbered 22 and 23.

ORDINANCE AND BOND ORDERS REFERRED TO CITY SOLICITOR

Rule 20. Every ordinance and every order for a bond issue shall, before its passage, be referred to the City Solicitor, who shall forthwith examine the same as to its legality and notify the Council of his/her findings.

That it be a standing rule of this Council that no final or definite action be passed by this Council in the matter of abatement of betterment assessments until such time as the legality of a proposed abatement be approved by the City Solicitor.

ENACTING STYLE

Rule 21. All by-laws passed by the City Council shall be entitled ordinances and the enacting style be "Be it ordained by the City Council of the City of Haverhill". In all votes by which the City Council expresses anything by order or by command, the enacting style shall be "Ordered:" and in all votes by which the City Council expresses opinions, principles, facts or purposes, the enacting style shall be "Resolved".

Rule 22. When a question is under debate, the chair will receive motions in accordance with Order of Precedence outlined in "Robert's Rules of Order".

PREVIOUS QUESTION

Rule 23. The previous question shall be put in the following form: "Move the main question." Once seconded, all further amendment or debate of the main question shall be suspended until the previous question is decided.

On the previous question, not exceeding five minutes shall be allowed for debate, which shall be confined to giving reasons why the main question should not be put, and no member shall speak more than two minutes.

RECONSIDERATION

Rule 24. After a vote has been taken, it shall be in order for any member voting with the prevailing side to move reconsideration thereof at the same meeting at which the vote was taken, or to file with the City Clerk, not later than twelve o'clock noon of the second business day following such meeting, written notice of a motion to reconsider such vote. After receiving such written notice of reconsideration, the Clerk shall place it on the calendar for the next regular meeting or for any intervening special meeting, provided the same is included in the call thereof.

Whenever a written notice of a motion to reconsider has been filed as aforesaid, the Clerk shall notify all of the members of the City Council and any parties that spoke at the Council meeting when the original vote was taken. In the case of a question decided by a tie vote, the prevailing side shall be considered to be the one in whose favor the question was decided. Not more than one motion for reconsideration of any vote shall be entertained, and no vote upon either of the following motions shall be reconsidered: viz: to adjourn; to lay on the table; to take from the table and the previous question.

KEEPER OF THE RECORD

Rule 25. The Clerk or her/his designee shall attend and keep the records of all meetings of the Council. S/he shall record the names of the members present, and shall have the care and custody of the city records, and all documents, maps, plans and papers pertaining to the business of the City Council. The City Council Administrative Assistant or her/his designee shall assume the duties of the Clerk in her/his absence.

PAPERS MUST BE FILED BEFORE 11:00 A.M. FRIDAY BEFORE MEETING

Rule 26. All papers of whatever description which may require action by the City Council shall be presented to the City Clerk not later than 11:00 A.M. on the Friday preceding the day of each regular meeting, except when such preceding day is a holiday or City Hall is closed, then they shall be presented at the same hour on the Thursday preceding the day of the meeting. Papers presented after that hour on such day will not be considered until the next meeting, unless admission is approved by two-thirds of the City Council.

CLERK SHALL PREPARE A LIST OF ALL MATTERS

Rule 27. The City Clerk shall prepare a list of all matters to come before the City Council at each meeting in accordance with the established order of business and shall deliver to the Council office for each Councillor, a copy of the same on the same day that the agenda is prepared.

As part of the agenda for each meeting, on a separate sheet in a suitable format, there shall be a list of all orders, documents, reports and communications which have been referred to a Council committee for report or action, along with the date submitted to the committee.

Rule 27A. No business or document scheduled to come before the City Council may be removed or omitted from the agenda prior to a meeting.

Rule 27B. The City Council shall allow for re-reading of all back up material related to any Ordinance before the vote is taken for passage.

Rule 27C. The President of the City Council shall not allow any communication or other matter to be placed on the agenda that does not conform with the City Council's Rules and Regulations or, if not governed by a rule or regulation, that does not conform with Robert's Rules of Order. The City Council President or presiding officer shall have oversight and discretion of the content of the final agenda to ensure compliance with the Massachusetts Open Meeting Law (M.G.L. c.30A sections 18-25).

EXAMINATION OF RECORDS OF PREVIOUS MEETING

Rule 28. At each meeting of the Council, the records for the meeting shall be referred to a member thereof (excepting to the President) for examination; and for the next Council meeting s/he shall report the results thereof to the Chair who shall accept the minutes for the file unless objected by any City Councillor whereupon the Chair shall then place before the meeting the question of approval of the same.

ORDER OF BUSINESS

Rule 28. At every regular meeting of the City Council the order of business shall be as follows:

1. Opening Prayer
2. Pledge of Allegiance
3. Approval of the records of previous meeting
4. Assignment of minutes review for next meeting
5. Communications from the Mayor
6. Utility hearing(s) and related order(s)

7. Appointments
8. Petitions
9. Hearings and related Orders
10. Motions and Orders
11. Unfinished business of preceding meetings
12. Communications and reports from city officers and employees
13. Resolutions and Proclamations
14. Council committee reports and announcements

The above shall not be departed from except by permission of the presiding officer.

Any public hearing that is expected to exceed more than two hours in duration in the opinion of the City Council President, may be scheduled by the President as a special meeting to be held other than at the time of a regularly scheduled City Council meeting, provided that special Council meeting can be televised by the local cable channel.

PASSAGE AT ONE SESSION

Rule 29. Except as otherwise might be provided specifically in the Massachusetts General laws, any ordinance after having been placed on file for at least 10 days, and any order or resolution may be passed through all its stages of legislation at one session, provided that no member of the Council objects thereto; but if any member of the Council objects, the measure shall be postponed for that meeting.

PARLIAMENTARY PRACTICE

Rule 30. In all matters of parliamentary practice not provided for in these rules, the City Council shall use "Robert's Rules of Order", the latest edition, as a guide.

Rule 31. Insofar as these rules are not of statutory source or origin, the same may be suspended at any meeting by a two-thirds vote of all Councillors present, but not otherwise. Suspension of rules shall apply only for the subject matter under consideration, which must be stated prior to voting for said suspension of rules.

These rules may be amended or repealed by the vote of five Councillors, but said amendment or repeal shall not be effective until the next regular meeting.

If any action is taken inconsistent with these rules, the same shall be construed to have been taken in suspension thereof provided there is a two-thirds consent of all members of the Council, or there is no objection raised prior to the meeting being adjourned.

COUNCIL BUDGET

Rule 32. Prior to the Presidents submission of the Council annual budget to the Mayor, the President shall seek input from each Councillor and each Councillor shall be allowed to provide his/her input to the City Council budget.

HEARINGS

Rule 33. All public hearings of the City Council will have the following guidelines. The proponent or petitioner will have up to thirty minutes to make their presentation. The opposition will have up to thirty minutes to make their presentation. Each side, proponent and opposition, will have up to five (5) minutes each for rebuttal after initial presentations. Anyone wishing to speak in favor of or against the proponent or petitioner shall be allowed up to three (3) minutes. At the discretion of the presiding officer, a speakers' time may be limited due to repetitious information.

If a petitioner needs more time for a presentation, the presiding officer may at his/her discretion allow for additional time for any proponent or petitioner to complete a presentation, provided that an equal amount of time be granted to the opposition.

INDOCTRINATION OF NEW COUNCILLORS

Rule 34. It shall be the responsibility of the Council President to hold indoctrination for all new Councillors within thirty days of the final election. This also includes making available to Councillors Robert's Rules of Order in the City Council office and any other information that is pertinent for a smooth transition.

INTRADEPARTMENTAL COMMUNICATION

Rule 35. Any individual Councillor or the Council body may make a formal request for information or ask pertinent questions of the Mayor, City Department Heads, Boards or Commissions pursuant to a matter placed on the Council meeting agenda provided, that, in all cases, the information requested or questions asked, be in accordance with the manner provided in Section 19 of the City Charter as follows:

The City Council at any time may request from the Mayor, or, under Plan D or E, from the city manager, specific information on any municipal matter within its jurisdiction, and may request him to be present to answer written questions relating thereto at a meeting to be held not earlier than one week from the date of the receipt by the Mayor, or under Plan D or E, by the city manager, of said questions. The Mayor, or, under Plan D or E, the city manager, shall personally, or through the head of a department or a member of a board, attend such meeting and publicly answer all such questions. The person so attending shall not be obliged to answer questions relating to any other matter. The Mayor, or, under Plan D or E, the city manager, may attend and address the City Council in person or through the head of a department, or a member of a board, upon any subject. (1915, 267, I, § 19; 378, § 8; 1948, 459, § 6.)

USE OF CITY COUNCIL STATIONERY

Rule 36. The use of City Council stationery with official letterhead shall be afforded to the Council President to communicate with any City Department, citizens, private businesses or State and Federal entities as s/he deems necessary. However, any communication issued by any other Council member on said stationery with respect to an issue previously, presently or potentially under the auspices of the City Council, Mayor or any commission, committee, authority, board, task force or any other decision making body on the local, state or federal level, must be through the Council Administrative Assistant and must be copied to the Council President.

The Council President shall be responsible for alerting each newly elected Councillor of this rule during the orientation period outlined in Rule 34.

SPECIAL ELECTION AND BALLOT QUESTIONS

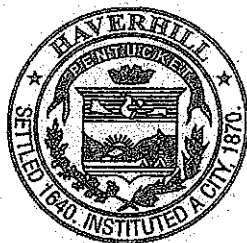
Rule 37. Whenever the City Council votes for any special election or question to be placed on a ballot, the City Clerk shall immediately enter into the agenda for the following week an agenda item that would require providing a copy of the certified mail receipt to each Councillor. This would prove that the proper departments in local or state government have been notified of the special election or of the ballot question.

MOTIONS TO CENSURE

Rule 38. A communication to place a motion to censure a member of the City Council on the agenda must be filed with the City Clerk in a timely manner and must be in writing and signed by no less than six members of the City Council and must specify egregious behavior and/or conduct unbecoming of a City Councillor.

CITY COUNCIL

JOHN A. MICHITSON
PRESIDENT
MELINDA E. BARRETT
VICE PRESIDENT
ANDRES X. VARGAS
MICHAEL S. MCGONAGLE
JOSEPH J. BEVILACQUA
COLIN F. LEPAGE
MARY ELLEN DALY O'BRIEN
WILLIAM J. MACEK
THOMAS J. SULLIVAN



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CITY OF HAVERHILL

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DOCUMENTS REFERRED TO COMMITTEE STUDY

55-X	Communication from Councillor Sullivan regarding a Jr. Park Ranger Sumer Program	Public Safety	8/19/14
74-Q	Communication from Councillor Macek requesting discussion re: exploring various Possibilities for "Expanded Notification" processes for certain matters re: Zoning Changes and Special Permit application.	A&F Transferred- Planning & Development	7/14/15 2/2/16
	Suspension of Rules to discuss unpermitted BnB's operating in City of Haverhill	A & F	10/20/15 1/27/16
6-Q	Communication from Councillor Macek requesting a discussion on the establishment of an Adult Fitness and Wellness zone	NRPP	2/9/16
6-W	Communication from Councillor Bevilacqua requesting to discuss Wood School Play-ground	NRPP	2/23/16
6-Z	Communication from Council President Michitson requesting to introduce Ron MacLeod to discuss traffic & safety concerns and associated public safety resources	Public Safety	3/8/16
38-B	Communication from Councillors Macek and Bevilacqua requesting discussion on current zoning regulations for housing conversions and possible changes necessary to protect integrity of existing property and neighborhoods	Planning & Dev.	3/8/16
38-F	Communication from Councillors Barrett and LePage requesting to discuss double poles in the City	A & F	3/15/16
38-W	Communication from Councillor Barrett requesting to give an update on response from MBTA/Keolis & US EPA about idling trains in Bradford	Citizen Outreach	4/5/16
51	Communication from Pres. Michitson requesting to submit petition from Burnham St. residents requesting Burnham St. be made one way coming in from Groveland St. onto Burnham	Public Safety	4/12/16